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APPELLANT’S APPENDIX VOLUME IX PAGES 1885-2105

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LEONARD RAY WOODS
Case No. 78816

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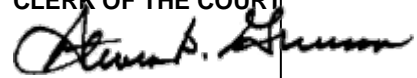
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1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

10 **vs.**

11 **LEONARD RAY WOODS,**
12 **Defendant.**

)
)
) **CASE NO: C-15-309820-1**
) **DEPT. III**
)
)
)
)

13
14 **BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE**
15 **MONDAY, MARCH 25, 2019**

16
17 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
18 ***RE: DAY 6***

19 **APPEARANCES:**

20 **For the Plaintiff(s):**

MICHELLE N. FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.

21
22 **For the Defendant:**
23 **Standby Counsel**

PRO SE
ROBSON HAUSER, ESQ.

24
25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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1 **LAS VEGAS, NEVADA, MONDAY, MARCH 25, 2019**

2 [Proceeding commenced at 12:57 p.m.]

3
4 [Outside the presence of the jury.]

5 THE COURT: All right. We'll be on the record outside of
6 the presence of the jury.

7 Does anybody have anything before we get started with
8 closing arguments?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Okay.

11 THE DEFENDANT: Before we closed out on Friday, the
12 prosecution made a statement in front of the jury as to only the killer
13 would know that it was a Ford Taurus?

14 Now, on -- in Garland Calhoun's statement, on the scene,
15 page 4 and 11, he mentions Ford Taurus. But not only that she sent
16 me these two big pictures of the Ford Taurus in my discovery along.
17 So can that be clarified?

18 THE COURT: Well, evidence is over. So what you're
19 referring to is questions that Ms. Fleck was asking the detective on
20 the stand about whether anybody had ever indicated that that was a
21 Ford Taurus before a statement you had made in court in one of
22 your questions.

23 And then I think there was some follow up to that, as well,
24 that -- that people had indicated that a variety of different kinds of
25 Fords it could have been.

1 But now that evidence is closed, no. I don't make
2 statements to the jury saying, Hey, I'm going to clarify things that the
3 attorneys were talking about.

4 I mean, if there was any objection to that, the time to make
5 that would have been when the question was asked, and any
6 clarification could have occurred then. That's the only opportunity
7 that I have to remedy anything if somebody perceives there to be
8 something wrong with the question.

9 But I can't, you know, tell them -- I wouldn't go in and tell
10 them right now an attorney was wrong about something. I mean,
11 that's -- you can certainly argue that if there was evidence that came
12 in.

13 And that's one of the things we need to talk about before
14 closing arguments is you have to understand that obviously what
15 you can argue -- arguments are the opportunity for you now to make
16 statements about what you think about the case. So the issues we
17 had during trial where they would object and I would strike certain
18 things because statements were being made, this is different.

19 Now you get to make statements to the jury. But
20 obviously your statements have to be based on what's in evidence in
21 the case. It can't be -- and this is the problem that a lot of times
22 people have when they're representing themselves -- you can't say,
23 Hey, let me tell you jurors what really happened; right? You didn't
24 testify. So you can't now testify to the jury in a closing argument.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: So it has to be comments based on evidence
3 and telling the jury why a particular piece of evidence may not be
4 believable, what inconsistencies there are, and various things. But it
5 can't be statements like, Well, here's what really happened. And
6 here's what I really did, or things like that, because that -- there was
7 no opportunity for anybody to examine you about those things.
8 Okay?

9 But certainly with regard to the Ford Taurus, I mean, I
10 think the totality of what was raised on that is that people may have
11 identified the car as potentially being a Ford of any variety of
12 models; so you can certainly make argument about that.

13 But I can't go in now and try and tell them a particular way
14 to look at a particular piece of evidence now that the evidence is over
15 and the witness is gone. Okay?

16 Did you have anything else?

17 THE DEFENDANT: No, that's it.

18 THE COURT: Okay. Anything from the State?

19 MR. ROGAN: No, Your Honor.

20 THE COURT: Pardon?

21 MS. FLECK: Nothing. Thank you.

22 THE COURT: No? Okay.

23 You can go ahead and get them, Dean.

24 [Pause in the proceedings.]

25 THE COURT: You guys each got copies of the ones that I

1 had e-mailed out; correct?

2 MS. FLECK: Yeah. Yes, Your Honor.

3 THE COURT: Okay. So those were just the instructions
4 that I would intend to give on the remaining two charges. Obviously
5 we need to go in and put the defendant's name, the case number,
6 and make sure that they apply to the two charges in this case. But
7 we'll talk about that once we get through this phase.

8 No problems? Computer's good to go?

9 THE CLERK: Yeah. I checked the first thing this morning,
10 just in case.

11 [In the presence of the jury.]

12 THE COURT: All right. You all can be seated. Thank you.

13 We will be back on the record, 309820. Mr. Woods is here;
14 Mr. Hauser as standby counsel; State's attorney; jurors are all
15 present.

16 Good afternoon, ladies and gentlemen.

17 Does everybody have, in your chair, a copy of the
18 instructions? Yes? Okay.

19 So you'll recall when we started this process about a week
20 or so ago, I told you that at the end of the case, before closing
21 arguments, I'll give you the law that applies to the case, and we do
22 that through the jury instructions.

23 By law I have to read them to you to make sure obviously
24 that everybody has gone through them completely. I think it's a lot
25 easier to look at something when it's being read to you, rather than

1 just being read to which is why -- one of the reasons we give you
2 your own copy. And I also think it's easier to kind of start
3 understanding and thinking about it if you're able to look at it while
4 I'm reading it to you.

5 You'll get to take your copy with you when you go back to
6 deliberate. So to the extent you want to write any notes on the
7 packet while I'm reading them to you or while the attorneys are
8 making argument, feel free to do so.

9 As you know, the deliberation room is just kind of one big
10 table back there; so you might write your name or initials or
11 something on the front of your packet, just so it doesn't get mixed
12 up with anybody else's once you get back there.

13 I'll try and read through them as quick as I can so we can
14 get you on to the arguments as well. Okay.

15 Instructions to the jury.

16 Instruction No. 1: Members of the jury, it is now my duty
17 as judge to instruct you in the law that applies to this case. It is your
18 duty, as jurors, to follow these instructions and to apply the rules of
19 law to the facts as you find them from the evidence. You must not
20 be concerned with the wisdom of any rule of law stated in these
21 instructions. Regardless of any opinion you may have as to what the
22 law ought to be, it would be a violation of your oath to base a verdict
23 upon any other view of the law than that given in the instructions of
24 the court.

25 Number 2: If, in these instructions, any rule, direction, or

1 idea is repeated or stated in different ways, no emphasis thereon is
2 intended by me and none may be inferred by you. For that reason,
3 you are not to single out any certain sentence or any individual point
4 or instruction and ignore the others. But you are to consider all the
5 instructions as a whole and regard each in the light of all the others.
6 The order in which the instructions are given has no significance as
7 to their relative importance.

8 Number 3: An information is but a formal method of
9 accusing a person of a crime and is not, of itself, any evidence of his
10 guilt.

11 In this case it is charged in an Information that on or
12 between the 9th day of March 2015 and the 5th day of August 2015,
13 the defendant committed the offenses of murder with use of the
14 deadly weapon; capturing an image of the private area of another
15 person; and open or gross lewdness, within the County of Clark,
16 State of Nevada, contrary to the form, force, and effect of statutes in
17 such cases made and provided and against the peace and dignity of
18 the State of Nevada.

19 Count 1: Murder with use of deadly weapon. Did on or
20 about the 5th day of August 2015 then and there willfully,
21 feloniously, without authority of law, and with malice aforethought,
22 kill Josie Jones, a human being, with use of the deadly weapon; to
23 wit: By stabbing at and into the body of Josie Jones with a deadly
24 weapon; to wit: A knife and/or a sharp object capable of stabbing at
25 and into the body of Josie Jones; the actions of defendant resulting

1 in the death of the said Josie Jones.

2 The defendant being responsible under one or more under
3 the following principles of criminal liability; to wit; No. 1, the willful,
4 deliberate, and premeditated killing; and/or No. 2, committed by
5 defendant lying in wait to commit the killing of said Josie Jones.

6 Count 2: Capturing an image of the private area of
7 another person. Did on or about the 9th day of March 2015 willfully,
8 unlawfully, knowingly, and intentionally capture an image of the
9 private area of another person; to wit: Breasts and/or body of Divina
10 Leal, a 15-year old girl, without her consent and under circumstances
11 in which Divina Leal had a reasonable expectation of privacy.

12 Count 3: Capturing an image of the private area of
13 another person. Did on or about the 23rd day of March 2015
14 willfully, unlawfully, knowingly, and intentionally capture an image
15 of the private area of another person; to wit: The breasts and/or
16 body of Divina Leal, a 15-year-old girl, without her consent and
17 under circumstances in which Divina Leal had a reasonable
18 expectation of privacy.

19 Count 4: Open or gross lewdness. Did on or about the
20 17th day of July 2015 willfully and unlawfully commit an act of open
21 or gross lewdness by touching the breasts of Divina Leal.

22 It is the duty of the jury to apply the rules of law contained
23 in these instructions to the facts of the case and determine whether
24 or not the defendant is guilty of the offense charged.

25 Each charge and the evidence pertaining to it should be

1 considered separately. The fact that you may find a defendant guilty
2 or not guilty as to one of the offenses charged should not control
3 your verdict as to any other offense charged.

4 Number 4: In this case the defendant is accused in an
5 Information alleging an open charge of murder. This charge may
6 include murder of the first degree or murder of the second degree.
7 The jury must decide if the defendant is guilty of any offense and, if
8 so, of which offense.

9 Number 5: Murder is the unlawful killing of a human
10 being with malice aforethought either express or implied. The
11 unlawful killing may be affected by any of the various means by
12 which death may be occasioned.

13 Number 6: Malice aforethought means the intentional
14 doing of a wrongful act without legal cause or excuse or what the
15 law considers adequate provocation. The condition of mind
16 described as malice aforethought may arise from anger, hatred,
17 revenge, or from particular ill will, spite, or grudge toward the
18 person killed. It may also arise from any unjustifiable or unlawful
19 motive or purpose to injure another, proceeding from a heart fatally
20 bent on mischief or with reckless disregard of consequences and
21 social duty.

22 Malice aforethought does not imply deliberation or the
23 lapse of any considerable time between the malicious intention to
24 injure another and the actual execution of the intent, but denotes an
25 unlawful purpose and design as opposed to accident and mischance.

1 Number 7: Express malice is that deliberate intention
2 unlawfully to take away the life of a human being which is
3 manifested by external circumstances capable of proof. Malice may
4 be implied when no considerable provocation appears or when all
5 the circumstances of the killing show an abandoned and malignant
6 heart.

7 Number 8: Murder of the first degree is murder which is
8 perpetrated by means of any kind of willful, deliberate, and
9 premeditated killing. All three elements -- willfulness, deliberation,
10 and premeditation -- must be proven beyond a reasonable doubt
11 before the accused can be convicted of first-degree murder.

12 Willfulness is the intent to kill. There need be no
13 appreciable space of time between formation of the intent to kill and
14 the act of killing.

15 Deliberation is the process of determining upon a course
16 of action to kill as result of thought, including weighing the reasons
17 for and against the action and considering the consequences of the
18 action.

19 A deliberate determination may be arrived at in a short
20 period of time. But, in all cases, the determination must not be
21 formed in passion; or, if formed in passion, it must be carried out
22 after there has been time for the passion to subside and deliberation
23 to occur. A mere unconsidered and rash impulse is not deliberate,
24 even though it includes the intent to kill.

25 Premeditation is a design, a determination, to kill distinctly

1 formed in the mind by the time of the killing. Premeditation need
2 not be for a day, an hour, or even a minute. It may be as
3 instantaneous as successive thoughts of the mind. For if the jury
4 believes from the evidence that the act constituting the killing has
5 been preceded by and has been the result of premeditation, no
6 matter how rapidly the act follows the premeditation, it is
7 premeditated.

8 Number 9: The law does not undertake to measure in
9 units of time the length of the period during which the thought must
10 be pondered before it can ripen into an intent to kill which is truly
11 deliberate and premeditated. The time will vary with different
12 individuals and under varying circumstances. The true test is not the
13 duration of time, but rather the extent of the reflection. A cold,
14 calculated judgment and decision may be arrived at in a short period
15 of time. But a mere unconsidered and rash impulse, even though it
16 includes an intent to kill, is not deliberation and premeditation as will
17 fix an unlawful killing as murder of the first degree.

18 Number 10: Murder which is immediately preceded by
19 lying in wait is murder of the first degree. The elements necessary
20 to constitute lying in wait are watching, waiting, and concealment
21 from the person killed with the intention of afflicting serious bodily
22 injury upon such person or of killing such person.

23 Number 11: Although your verdict must be unanimous as
24 to the charge, you do not have to agree on the theory of guilt or
25 liability. Therefore, even if you cannot agree on whether the facts

1 established the defendant is guilty of premeditated and deliberate
2 murder or lying in wait murder, so long as all of you agree that the
3 evidence establishes the defendant's guilt of murder in the first
4 degree, your verdict shall be murder of the first degree.

5 Number 12: All murder which is not murder of the first
6 degree is murder of the second degree. Murder of the second
7 degree is murder with malice aforethought, but without the
8 admixture of premeditation and deliberation.

9 Number 13: You are instructed that if you find that the
10 State has established that the defendant has committed first-degree
11 murder, you shall select first-degree murder as your verdict.

12 The crime of first-degree murder includes the crime of
13 second-degree murder. You may find the defendant guilty of
14 second-degree murder if, No. 1, you have not found beyond a
15 reasonable doubt that the defendant is guilty of murder of the first
16 degree and, No. 2, all 12 of you are convinced beyond a reasonable
17 doubt that the defendant is guilty of the crime of second-degree
18 murder.

19 If you are convinced beyond a reasonable doubt that the
20 crime of murder has been committed by the defendant, but you have
21 a reasonable doubt whether such murder was of the first or of the
22 second degree, you must give the defendant the benefit of that
23 doubt and return a verdict of murder of the second degree.

24 Number 14: You are instructed that if you find a defendant
25 guilty of first- or second-degree murder, you must also determine

1 whether or not a deadly weapon was used in the commission of this
2 crime. If you find beyond a reasonable doubt that a deadly weapon
3 was used in the commission of such an offense, then you shall
4 return the appropriate guilty verdict reflecting with use of a deadly
5 weapon. If, however, you find that a deadly weapon was not used in
6 the commission of such an offense, but you find that it was
7 committed, then you shall return the appropriate guilty verdict
8 reflecting that a deadly weapon was not used.

9 Number 15: Deadly weapon means any instrument which
10 if used in the ordinary manner contemplated by its design and
11 construction will or is likely to cause substantial bodily harm or
12 death; or any weapon, device, instrument, material, or substance
13 which, under the circumstances in which it is used, attempted to be
14 used, or threatened to be used is readily capable of causing
15 substantial bodily harm or death.

16 Number 16: The State is not required to have recovered
17 the deadly weapon used in an alleged crime or to produce the
18 deadly weapon in court at trial to establish that a deadly weapon
19 was used in the commission of a crime.

20 Number 17: A person who knowingly and intentionally
21 captures an image of the private area of another person without the
22 consent of the other person and under circumstances in which the
23 other person has a reasonable expectation of privacy is guilty of
24 capturing an image of the private area another person.

25 18: Private parts are places on the human body which are

1 customarily kept covered by clothing in public venues. These areas
2 include, No. 1, for both genders, the buttocks and anal areas; and,
3 No. 2, for females, the breasts and vaginal areas; and, No. 3, for
4 males, the penis.

5 Number 19: Open or gross lewdness is defined as any
6 indecent, obscene, or vulgar act of a sexual nature that, No. 1, is
7 intentionally committed -- excuse me -- in a public place, even if the
8 act is not observed; or, No. 2, is committed in a private place, but in
9 an open manner as opposed to a secret manner and with the intent
10 to be offensive to the observer.

11 Number 20: You are instructed that the word open is used
12 to modify the term lewdness. As such, it includes acts which are
13 committed in a private place, but which are nevertheless committed
14 in an open as opposed to a secret manner. You are further
15 instructed that it includes an act done in an open fashion clearly
16 intending that the act be offensive to the victim.

17 The term gross is defined as being indecent, obscene, or
18 vulgar.

19 The term lewdness is defined as any act of a sexual nature
20 which the actor knows is likely to be observed by the victim who
21 would be affronted by the act.

22 Number 21: To constitute the crime charged, there must
23 exist a union or joint operation of an act forbidden by law and an
24 intent to do the act. The intent with which an act is done is shown
25 by the facts and circumstances surrounding a case. Do not confuse

1 intent with motive. Motive is what prompts a person to act; intent
2 refers only to the state of mind with which the act is done. Motive is
3 not an element of the crime charged, and the State is not required to
4 prove a motive on the part of the defendant in order to convict.
5 However, you may consider evidence of motive or lack of motive as
6 a circumstance in the case.

7 22: The defendant is presumed innocent unless the
8 contrary is proved. This presumption places upon the State the
9 burden of proving beyond a reasonable doubt every element of the
10 crime charged and that the defendant is the person who committed
11 the offense. A reasonable doubt is one based on reason. It is not
12 mere possible doubt, but is such a doubt as would govern or control
13 a person in the more weighty affairs of life. If the minds of the
14 jurors, after the entire comparison and consideration of all the
15 evidence, are in such a condition that they can say they feel an
16 abiding conviction of the truth of the charge, there's not a
17 reasonable doubt. Doubt to be reasonable must be actual, not mere
18 possibility or speculation. If you have a reasonable doubt as to the
19 guilt of the defendant, he is entitled to a verdict of not guilty.

20 23: The defendant is not required to present any evidence
21 or prove his innocence. The law never imposes upon a defendant in
22 a criminal case the burden of calling any witnesses or introducing
23 any evidence.

24 24: The evidence which you are to consider in this case
25 consists of the testimony of the witnesses, the exhibits, and any facts

1 admitted or agreed to by counsel. There are two types of evidence,
2 direct and circumstantial.

3 Direct evidence is the testimony of a person who claims to
4 have personal knowledge of the commission of the crime which has
5 been charged such as an eyewitness.

6 Circumstantial evidence is the proof of the chain of facts
7 and circumstances which tend to show whether the defendant is
8 guilty or not guilty. The law makes no distinction between the
9 weight to be given either direct or circumstantial evidence, therefore,
10 all of the evidence in the case, including the circumstantial evidence,
11 should be considered by you in arriving at your verdict.

12 Statements, arguments, and opinions of counsel are not in
13 evidence in a case. However, if the attorneys stipulate to the
14 existence of a fact, you must accept the stipulation as evidence and
15 regard that fact as proved. You must not speculate to be true any
16 insinuations suggested by a question asked of the witness. A
17 question is not evidence. It may be considered only as it supplies
18 meaning to the answer. You must disregard any evidence to which
19 an objection was sustained by the Court and any evidence ordered
20 stricken by the Court. Anything you have seen or heard outside the
21 courtroom is not evidence and must also be disregarded.

22 25: The credibility or believability of a witness should be
23 determined by his manner upon the stand; his relationships to the
24 parties; his fears, motives, interests, or feelings; his opportunity to
25 have observed the matter to which he testified; the reasonableness

1 of his statements; and the strength or weakness of his recollections.
2 If you believe that a witness has lied about any material fact in the
3 case, you may disregard the entire testimony of that witness or any
4 portion of his testimony which is not proved by other evidence.

5 26: A witness who has special knowledge, skill,
6 experience, training, or education in a particular science, profession,
7 or occupation is an expert witness. An expert witness may give his
8 opinion as to any matter in which he is killed. You should consider
9 such expert opinion and weigh the reasons, if any, given for it. You
10 are not bound, however, by such an opinion. Give it the weight to
11 which you deem it entitled whether that be great or slight, and you
12 may reject it, if, in your judgment, the reasons given for it are
13 unsound.

14 27: It is a constitutional right of the defendant in a criminal
15 trial that he may not be compelled to testify. Thus, the decision as to
16 whether he should testify is left to the defendant on the advice and
17 counsel of his attorney. You must not draw any inference of guilt
18 from the fact that he does not testify, nor should this fact be
19 discussed by you or enter into your deliberations in any way.

20 28: Although you are to consider only the evidence in the
21 case in reaching a verdict, you must bring to the consideration of the
22 evidence your everyday common sense as reasonable men and
23 women. Thus, you are not limited solely to what you see and hear
24 as the witnesses testify. You may draw reasonable inferences from
25 the evidence which you feel are justified in the light of common

1 experience, keeping in mind that such inferences should not be
2 based on speculation or guess.

3 A verdict may never be influenced by sympathy, prejudice,
4 or public opinion. Your decision should be the product of sincere
5 judgment and sound discretion in accordance with these rules of
6 law.

7 29: In your deliberation you may not discuss or consider
8 the subject of punishment. Your duty is confined to the
9 determination of whether the defendant is guilty or not guilty.
10 Your -- if your verdict is murder in the first degree, you will, at a later
11 hearing, determine the issue of penalty or punishment.

12 30: During the course of this trial and your deliberations,
13 you are not to, No. 1, communicate with anyone in any way
14 regarding this case or its merits, either by phone, text, Internet, or
15 other means; No. 2, read, watch, or listen to any news or media
16 accounts or commentary about the case; No. 3, do any research such
17 as consulting dictionaries, using the Internet, or using reference
18 materials; and, No. 4, make any investigation, test a theory of the
19 case, recreate any aspect of the case, or in any other way investigate
20 or learn about the case on your own.

21 31: When you retire to consider your verdict you must
22 select one of your number to act as foreperson who will preside over
23 your deliberations and will be your spokesperson here in court.
24 During your deliberation, you will have all the exhibits which are
25 admitted into evidence, these written instructions, and forms of

1 verdict, which have been prepared for your convenience.

2 Your verdict must be unanimous. As soon as you have
3 agreed upon a verdict, have it signed and dated by your foreperson,
4 and then return with it to this room.

5 32: If, during your deliberation, you should desire to be
6 further informed on any point of law or hear again the portions of
7 the testimony, you must reduce your request to writing signed by
8 the foreperson. The officer will then return you to court where the
9 information sought will be given to you in the presence of, and after
10 notice to, the district attorney and the defendant and his counsel.

11 Playbacks of testimony are time consuming and are not
12 encouraged unless you deem it a necessity. Should you require a
13 playback, you must carefully describe the testimony to be played
14 back so that the court recorder can arrange her notes. Remember
15 the Court is not at liberty to supplement the evidence.

16 And finally, No. 33: Now you will listen to the arguments
17 of counsel who will endeavor to aid you to reach a proper verdict by
18 refreshing in your minds the evidence and by showing the
19 application thereof to the law. But whatever counsel may say, you
20 will bear in mind that it is your duty to be governed in your
21 deliberations by the evidence as you understand it and remember it
22 to be and by the law as given to you in these instructions with the
23 sole, fixed, and steadfast purpose of doing equal and exact justice
24 between the defendant and the State of Nevada.

25 Okay. Each of you should have attached to your jury

1 packets a copy of the verdict form. There may be some discussion
2 about that during closing arguments. But I'll just point out to you,
3 under each of the charges listed, you just check one box. Okay?

4 And with that, I appreciate your patience with me. I will
5 turn it over to the State for closing argument.

6 MR. ROGAN: Thank you, Your Honor.

7 On August 5th of 2015, Josie Jones was brutally killed,
8 stabbed 16 times on an unremarkable sidewalk outside of Walgreens
9 at Trop and Decatur.

10 Divina Leal, her then 15-year-old daughter, described for
11 you the moment of her death. She told you that her mom had
12 collapsed on the sidewalk after having been stabbed -- her body
13 lying on the ground; her body curled up in a ball; her arms twisted;
14 and her light purple shirt was slowly darkening with her blood.

15 She also testified to you that at the time that she saw her
16 mother like this, no one was doing anything to help her, and she
17 kept telling her mother to look at me; look at me. But Josie couldn't
18 or wouldn't.

19 She begged her mother not to leave and reminded her
20 that she was all that she had, but the only response that Josie was
21 able to give her on that evening was the sound of gurgling that came
22 from her throat.

23 When Josie's life ended on August 5th of 2015, right there
24 on that sidewalk, the task of finding the person who could do
25 something like this, who could do something like this in front of her

1 own 15-year-old daughter -- that began that very moment. The
2 question of who could do something like this, who could treat
3 another human so callously -- that question now falls to you.

4 You, as jurors, have to come to the conclusion as to
5 whether the defendant Leonard Woods was the man that stabbed
6 Josie Jones 16 times on that sidewalk on August 5th of 2015. And I
7 argue to you today that all of the evidence that you have heard
8 throughout the course of this trial, from the very witness to the very
9 last witness, all points to one person being responsible for her
10 death -- one person being responsible for stabbing her in the neck
11 like this, putting a knife through her neck that extended out the back
12 of her neck; for putting a knife or a sharp instrument right under her
13 left breast that penetrated her heart and caused the blood from her
14 heart to fill into her chest cavity and collapse her lung, and to put 14
15 other wounds on her body -- approximately 11 of which were to her
16 chest and breast and abdomen. And all the evidence points to one
17 person, and that person is sitting right there in front of you and
18 that's Leonard Woods.

19 Count 1 -- we've charged the defendant with murder with
20 use of the deadly weapon. And you can see here you have -- will
21 have several options and items to deliberate about. In addition to
22 determining whether it's Leonard Woods who committed the
23 offense, you will have to determine in your deliberations not only
24 did -- is he the killer, but also whether this was first-degree murder
25 or second-degree murder or whether it was murder at all, and also

1 whether he killed her using a deadly weapon or not.

2 Now, we know from the evidence that Leonard Woods is
3 the person that killed Josie Jones that night. And there's four facts
4 that I want you to remember in the deliberations.

5 The first is this: The killer knew Josie. We know that
6 because Garland Calhoun and Yesenia Rivas and Divina Leal -- they
7 all testified to one important thing that the killer said, Bitch, I told
8 you I would find you. That's not the words of the random person
9 coming up to Josie and either robbing her or attacking her. Those
10 are the words of someone that knew her, someone like the
11 defendant, Leonard Woods. These several words, Bitch, I told you I
12 would find you, point to Leonard Woods as the killer.

13 But in addition to the fact that the killer knew Josie, we
14 know that Leonard Woods, from the evidence, had motive to kill
15 Josie that night. Motive is what prompts a person to act, and that's
16 what it reads in your instructions. It's the why we do something.
17 Why I wore a suit to court today is because I'd be talking to you.
18 That's motive.

19 And motive, we don't have to prove that to you.
20 Sometimes there's a motive for a crime; sometimes there's not. But
21 here there certainly is a motive, and you can use the fact that there's
22 a motive that Leonard Woods had to kill Josie as proof that he is the
23 killer.

24 And what was that motive? You know that Josie had
25 finally left the defendant after nine years together, and you know

1 that Josie had had him arrested -- called the police for molesting
2 Divina on July 17th of 2015.

3 How do you think those facts made the defendant feel,
4 made Leonard Woods feel? Do you think he felt angry for being
5 arrested? Do you think he felt angry for being left behind by Josie
6 Jones? We know what he said on many different occasions. If you
7 ever leave me, I will kill you, I will kill your children, and I will burn
8 your house down.

9 So how do you think the defendant felt after he got out of
10 jail after being arrested for molesting Divina? How do you think he
11 felt when he couldn't find Josie because she had packed up on
12 July 17th and went to a place where she hoped he could never find
13 her? We know how he felt because on at least two occasions he
14 went looking for her.

15 Dorie Henley testified -- remember Dorie and her dad
16 moved into that Pinon Peak address after Divina and Josie moved
17 out -- that a man matching the description of the defendant came on
18 two different occasions, looking for his stuff and looking for Josie.
19 On one of those occasions, she saw him get into a light-colored
20 sedan. And she saw the defendant in that sedan on several other
21 occasions outside that Pinon Peak address.

22 The defendant had a motive. The defendant was upset
23 with Josie for leaving. The defendant was upset with Josie for
24 calling the police on him for the molestation, and the defendant was
25 looking for her. He is the only one that we have heard any evidence

1 that would have any motive to kill Josie on August 5th of 2015.

2 In addition, you have three eyewitnesses who picked this
3 man, Leonard Woods, as the killer that evening.

4 Garland Calhoun -- on August 5th of 2015, he told the
5 police -- he described the killer as 5-foot 8, medium build, and a little
6 hair on his head. And that description matches the person that
7 you've seen in court for this last week, doesn't it?

8 And not only that, even though on the night, he says I
9 don't want to be shown any pictures; I don't want to make the wrong
10 choice. He came in here in court, three and a half years later, and he
11 gets to see the defendant live and in person. He gets to see how he
12 walks, how he moves, how he talks, his mannerisms, his manner of
13 speech. And what does he do? He identifies Leonard Woods in
14 court as the killer.

15 No matter how many different questions Mr. Woods asked
16 him, the answer was always the same: I don't know, man. All I can
17 say, it was definitely you.

18 And Yesenia Rivas, the other eyewitness, who is but a few
19 feet away from the defendant when he killed Josie -- she testified
20 similarly, didn't she?

21 On August 5th, 5-foot 8, medium build, a little hair on his
22 head, early 40s. Again, that description that matched the defendant,
23 the same defendant that you've seen here in court. And I argue,
24 without hesitation, pointed out the defendant here in court before
25 your very eyes as the person that killed Josie Jones on August 5th of

1 2015.

2 We also have Divina Leal's testimony. She has known
3 Leonard Woods longer than any other witness -- and that's
4 important because she's the one that when she saw her mom being
5 brutally stabbed, ran into Walgreens. And so she testified and said, I
6 caught a glimpse of this man -- but a glimpse of a man that she's
7 known for nine years. It wasn't the glimpse of a stranger. It was a
8 glimpse of someone that she knew and could recognize
9 immediately. And she told the police that night that the man who
10 killed her mom was the defendant Leonard Woods, and she also
11 identified Leonard Woods here in court.

12 Now, based upon these identifications, there shouldn't be
13 any doubt in your mind about the defendant being the perpetrator of
14 this offense. But listen, Divina Leal, her, testimony, as heartbreaking
15 as it was, she has known that Leonard Woods has been her mom's
16 killer since her mom drew her last breath on that sidewalk outside of
17 that Walgreens.

18 You saw that body cam video from the police officer, and
19 you saw how she was screaming, and you're going to see it again
20 right now.

21 [Video recording played.]

22 MR. ROGAN: How can we have any doubt now? When
23 you see that 15-year old girl screaming, I know who it was; I saw it,
24 can you have any doubt in your mind as to who this killer is? I
25 suggest to you that you shouldn't.

1 But not only that I would say this is enough for you to find
2 the defendant is the actual killer. But we have more than that. We
3 have the defendant's own words.

4 If you remember, we had Officer Haynes and Swartz
5 testify. Officer Haynes came in and said that he and Swartz were on
6 a call about four hours after the stabbing in Downtown Las Vegas.
7 They were at a traffic stop. And the defendant approached them and
8 said, Hey, I got to tell you something. And after a brief period the
9 defendant tells him, I was involved in an incident down at Trop and
10 Decatur.

11 And Officer Haynes didn't know what he was talking
12 about. He didn't know about what had happened at Trop and
13 Decatur. But Officer Swartz did. He had been listening and watching
14 the computer and the radio and knew that there was a horrific
15 stabbing down at that Walgreens on Trop and Decatur.

16 And when Officer Swartz ran the defendant's name, after
17 the defendant says, I think I'm wanted for that -- ran his names
18 through the computer, nothing popped up. Nothing about Leonard
19 Woods being wanted popped up. Why? Because Detective Embrey
20 and all the other police officers from the Las Vegas Metropolitan
21 Police Department, they were still on scene at that Walgreens. They
22 were still investigating. They were still dealing with witnesses. They
23 were still helping the CSAs pick up any evidence that may exist.
24 They had not, as Detective Embrey told you, put out any attempt to
25 locate for a Leonard Woods. There is nothing in the computer that

1 says, Here's our suspect. His name is Leonard Woods, and this is
2 what he looks like.

3 So why would the defendant -- what motivated him to turn
4 himself in? Not because someone told him that he's wanted, but
5 because he knew that he was wanted because he's the one that
6 killed Josie several hours before.

7 And he confirmed that the following day after speaking
8 with Detective Embrey and learning that Josie had passed away, he
9 placed a phone call to Jennifer Woodson. And detective Embrey
10 told you that people who arrested in Clark County Detention Center,
11 they have the opportunity to make phone calls using a PIN that's
12 unique to each person in the jail.

13 And the defendant, on August 6th, made a phone call to
14 this Jennifer Woodson. Detective Embrey testified it was Jennifer
15 Woodson because the database system that they utilize to keep track
16 of all those phone calls also keeps tracks of the identity of the people
17 who are called. And so when he looked in the database, it said that
18 the defendant had called a Jennifer Woodson with a 619 area code.
19 Incidentally that same telephone number, as you learned, was
20 attributed to a Jennifer in the defendant's own cellphone. So the
21 contact in his cellphone matched the name and number of the
22 person that he called from jail on August 6th of 2015. And you heard
23 that phone call, and you're going to hear it again right now.

24 [Jail call recording played.]

25 MR. ROGAN: All of this evidence -- the fact that the killer

1 knew Josie; that Defendant Woods had the motive to kill Josie; that
2 three witnesses picked out the defendant as the killer; and
3 defendant's own statements -- one to police officers and one to his
4 friend -- link him to this horrific killing. There should be no doubt in
5 your mind, at least not any doubt -- any unreasonable doubt that the
6 defendant is the one who killed Josie Jones on August 5th.

7 So we do deliberations. After you've decided whether
8 Leonard Woods killed Josie Jones, your next consideration is
9 whether this was a first-degree murder.

10 Again, here's your verdict form for Count 1. As I
11 mentioned before, you generally have two options: First-degree
12 murder and second-degree murder.

13 Murder itself is defined in your instructions as the
14 unlawful killing of a human being with malice aforethought.

15 So what does that mean? So malice aforethought is then
16 further defined for you in your instructions. And it tells you that's
17 the intentional doing of a wrongful act from a state of mind that can
18 arise from anger, from hatred, from revenge, from ill will, spite, or
19 grudge, toward the person killed. So it's an intentional act that
20 arises from emotions such as these. Emotions, that I suggest to you,
21 the defendant had, for all the reasons that I went over before --
22 because he had gone to jail for being arrested for that molestation;
23 because Josie had left him, he had that state of mind. He was angry.
24 He was hating her. He wanted revenge. He had ill will. He was
25 spiteful. He had a grudge. That's malice aforethought.

1 And when Leonard Woods killed Josie with malice
2 aforethought because of that ill will, because of that spite, revenge,
3 or other motive -- when he plunged that knife, for the first time -- that
4 knife or sharp instrument into her body, he intended her to die.

5 This, ladies and gentlemen, is murder. It is not an
6 accident. It is murder. And because it's murder, you have the
7 obligation to determine whether this is a murder in the first degree
8 or murder in the second degree.

9 So basically, once you've decided that there -- a murder
10 took place, the murder of Josie Jones, you have to determine
11 whether this is regular old second-degree murder or whether this is
12 something special called first-degree murder. And there are two
13 types -- at least as far as this case is concerned, there are two types
14 of first-degree murder.

15 The first type of first-degree murder is when someone lies
16 in wait for their victim before killing. And I'll explain that a little bit
17 more. Lying in wait, you were told, means that a person watches,
18 waits, and conceals themselves from the victim, with the intent to
19 inflict serious bodily injury or death upon that person. And we
20 have that here, don't we? That Walgreens video proves that Leonard
21 Woods killed Josie after lying in wait for her.

22 At approximately 8:14 and 44 seconds, you see him pull
23 into that Walgreens at Trop and Decatur -- the same Walgreens that
24 moments before Josie and Divina had pulled into.

25 This was not a planned stop for Josie and Divina. This

1 was a spur of the moment thing, wasn't it? This is a random
2 Walgreens, not far from where they lived. What are the chances?
3 What are the chances that the defendant happens to be going to that
4 same Walgreens? Zero. Zero. He's that the Walgreens because he
5 followed them.

6 The one thing that Josie didn't do right when she left him
7 on July 17th is to take Divina out of that school, because that's the
8 one place that Leonard Woods could know to find Josie. He could
9 find her through cheerleading practice. The defendant knew her
10 schedule, knew Divina's schedule, knew when she'd be going to
11 cheerleading.

12 And that's only rational reason why he could be pulling
13 into that Walgreens parking lot a few seconds after Divina and Josie
14 entered the Walgreens, because he's followed them from way up in
15 the northeast part of town, after cheerleading practice, all the way
16 down the 15, off the Tropicana exit, and to the same Walgreens -- the
17 exact same Walgreens.

18 And what does he do when he gets here? He watches, he
19 waits, and he conceals himself.

20 The next time that we see Leonard Woods is at 8:19. He
21 waits for four minutes and thirty seconds for her. And not only is he
22 waiting there for her, he's concealing himself. You never see that
23 driver side door open before Josie is stabbed to death. We can only
24 surmise that he gets out of that passenger side.

25 But not only that. If you watch this, you never see the

1 defendant's head pop up over his car. He's 5 foot 8. That's not very
2 tall, but it's certainly taller than that car. And we know that because
3 when he's attacking Josie, we can see his head as he runs towards
4 her. But we don't see his head when he gets out of that vehicle. So
5 what does that tell you? That tells you that he is crouching down,
6 and he is hiding, because otherwise you would see him on this
7 video. He is concealing himself, and he conceals himself behind
8 those two cars for four and a half minutes.

9 Before at 8:19 -- and if you look at the upper left-hand
10 coroner, you start seeing Josie and Divina come out of Walgreens.
11 And then you see, as he is now attacking Josie, chasing after her,
12 and stabbing her 16 times in 20 seconds.

13 Four and a half minutes of waiting for a 20-second attack.
14 Four and a half minutes of lying in wait for Josie, burdened by her
15 purse and that bag of groceries from Walgreens, unsuspecting of
16 what is about to come, to turn around and come around as she's just
17 opening her car door and ambushed, attacked, by the defendant
18 there.

19 And of course he did this, all of this, with the intent to kill
20 her.

21 What is the thing that he did immediately upon Josie's
22 return to her vehicle? Stop and have a conversation? Say I miss
23 you. Can we work this out? No. He ran at her and stabbed her to
24 death. Why was he watching? Why was he waiting? Why was he
25 concealing himself? Because he wanted to kill her. So right now,

1 because he lied in wait, he is guilty of first-degree murder.

2 But there's a second type of first-degree murder too. It's
3 also present in these circumstances. And that's called willful,
4 deliberate, and premeditated murder. And the instructions tell you
5 what willfulness is -- tells you that it's the intent to kill, tells you
6 basically that willfulness, deliberation, and premeditation is that a
7 person has thought about killing -- meaning they've weighed the
8 consequences of their action; decided to kill; and at the time that
9 they effectuate the killing, they intend for that person to die. It's
10 what you might think of as a planned killing.

11 So if you watch *Murder She Wrote*, you watch all of those
12 shows, you might be thinking of someone that goes to the store,
13 buys the shovel that they're going to bury the body in, buys the
14 bleach to clean up the crime scene -- all of those things would point
15 to a willful, premeditated, and deliberate killing; right? It's planned.

16 But the law tells you that no one needs to go through that
17 kind of preplanning for this to be a willful, premeditated, and
18 deliberate first-degree murder. These instructions tell you that
19 thinking about the consequences of killing; deciding on a course to
20 kill that person; then, of course, making the decision and forming the
21 intent to kill -- that can happen instantaneously.

22 For example, your instructions tell you that willfulness
23 means the intent to kill. But there's -- there need not be any
24 appreciable space of time between forming that intent to kill and the
25 actual killing. Meaning, I could make the decision to kill right now

1 and just do it immediately. It doesn't have to be for weeks, days, or
2 months.

3 And the same is true for deliberation. A person doesn't
4 have to think about for hours and hours or days or weeks about
5 killing. It could be instantaneous.

6 And the instructions go on further to emphasize the fact
7 that this type of first-degree murder can be made in a very -- can be
8 a snap judgment, but a judgment, nonetheless.

9 And the example that I like to use is the yellow light
10 example. This is something that I think most of us are familiar with,
11 if we drive. If you're heading for -- if we're heading home after a
12 long day, we're about a hundred feet from the intersection, and we
13 just through, just so we can get home and relax. And just as we're
14 approaching that intersection, the light turns yellow. And at that
15 very moment, each of us has to make a decision: Are we going
16 press our foot on the accelerator and speed through that
17 intersection? Or are we going to put our foot on the brake and stop?

18 How quickly do you make that decision? How quickly do
19 you weigh the consequences of that action? Geesh, if I don't do this,
20 the light could turn red. I could get a speeding -- I could get a red-
21 light ticket. I could be -- I could injure someone who's coming
22 through the intersection. I could be injured by someone who's
23 coming through the intersection. All of those thoughts cross our
24 mind just before we make that snap decision to either push down on
25 the accelerator or push down on the brake.

1 But in that very small period of time you premeditate, you
2 deliberate, and we decide upon a course of action in that brief
3 moment of time. And the same is true for first-degree murder. It
4 can happen like that.

5 So how do we know what, in fact, the defendant was
6 thinking about? How do we know what his state of mind was? How
7 do we know that he premeditated and deliberated and decided to kill
8 Josie Jones on August 5th of 2015?

9 Well, of course, you're not mind readers and you're not
10 expected to be. But what you are expected to do is look at all the
11 evidence, and from that evidence try and infer a particular state of
12 mind; try and look at all this evidence and derive what the
13 defendant's state of mind was, what he was thinking.

14 And don't forget, as the judge instructed you, to use your
15 common sense. Your common sense is the glue when you're
16 looking at this evidence. If you look at the evidence, trying to
17 determine what he was thinking and doing, whether it was
18 premeditating and deliberating -- look at it in light of your common
19 sense. So what does the evidence tell us? The evidence tells us that
20 the defendant willfully, with premeditation and deliberation, killed
21 Josie Jones on August 5th.

22 First, again, he had motive to kill her. He's been stewing
23 on that since July 17th of 2015 -- two and a half weeks of anger,
24 spite, and ill will. Two and a half weeks that led him to follow her
25 from Desert Pines High School, across town, to that Walgreens. And

1 not only just follow her, because he's just not a despondent man,
2 upset about this woman that he's been with for nine years leaving
3 him. He's not just a heartbroken guy. He's upset. And we know
4 he's upset because he brings a deadly weapon with him. That's
5 evidence of premeditation and deliberation. He's not just there to
6 look one more time at Josie before he moves on.

7 He brings a weapon with him. Use your common sense.
8 Why does he bring that? Because he wants to kill her.

9 And then, of course, his actions down at that Walgreens
10 too. His actions are that of a person with malicious intent; a person
11 who's up to no good. He doesn't go out there and just get out of the
12 car and go into the Walgreens and confront Josie. He goes down
13 there. And as we all know, concealed himself, snuck around, got out
14 of the car, and waited in a spot where Josie didn't know that he was
15 and then ambushed her; surprised her with that weapon, whatever it
16 was in his hand.

17 Use your common sense. What had he been planning?
18 What was he thinking at the time that he went and got out of that car
19 at that Walgreens? He was planning to kill her. And of course, what
20 does he do? He immediately stabs her. And some injuries were
21 immediate and some followed her -- him chasing her around that
22 car. But he stabs her 16 times. That's not just once, not twice -- 16
23 times in a span of seconds.

24 Someone who stabs another person 16 times -- using your
25 common sense, what does that tell you? He wanted her to die. And

1 we know he wanted her to die because he stabbed her in her chest
2 and breast and abdomen. These are lethal areas. These are where
3 your organs are. This is where your heart is. This is where your
4 lungs are.

5 The only injuries that we saw to Josie that were not on her
6 breast or her abdomen or her chest were on her arms.

7 Remember Yesenia testified, she saw Josie hold her arms
8 up. The reason she has injuries on her arms is because she was
9 trying to defend herself from him, because every single stabbing
10 motion that the defendant made was trying to get at her heart and
11 lungs and other lethal parts of her body because he wanted her to
12 die. And what was he saying, Bitch, I told you I would find you.

13 Ladies and gentlemen, look at all that evidence and use
14 your common sense and come to the conclusion that when he
15 followed her from Desert Pines, all the way down to that Walgreens,
16 he followed her there because he wanted to kill her. He has thought
17 about killing her. And he decided to kill her at that very moment that
18 he plunged that knife into her body for the very first time.

19 And we know that too because of what he has told Divina
20 and what he told Josie -- that he threatened to kill her, to kill her
21 children, and burn that house down if she -- if he -- if she ever left
22 him. And that's exactly -- almost exactly -- what happened. He
23 followed through with that threat to kill her. That plan was in his
24 head, and he followed through, and that makes him guilty of
25 first-degree murder, both because he lied in wait for Josie outside

1 that Walgreens and also because he had planned this for a long
2 time.

3 I want to make this last point before we move on to the
4 other charges. When you're deliberating, you have to be unanimous
5 as to the degree of murder -- whether it's first degree or second
6 degree. That means all 12 of you have to agree it's either first -- that
7 it's first degree.

8 But that doesn't mean that all 12 of you have to agree that
9 it's first-degree murder because he lied in wait or because he had
10 planned this. Some of you could think, well, it's first-degree murder
11 because he was lying in wait. Well, a number of you could also
12 think, Well, it's first-degree murder, not because he lied in wait, but
13 because he had planned this for a while. That's okay.

14 As long as the magic number adds up to 12, that all 12 of
15 you agree that this is first-degree murder. And I suggest to you that
16 it is.

17 So in your deliberations after you find that Leonard Woods
18 killed Josie Jones and that this is first-degree murder, either because
19 he lied in wait or because he premeditated and deliberated and
20 made a decision to kill her -- you also have to choose whether he
21 killed her with a deadly weapon. And this should be the easy part of
22 your deliberations on the murder charge.

23 Deadly weapon is instructed for you. It tells you that it is
24 any weapon, device, instrument under the circumstances in which it
25 is used, is readily capable of causing substantial bodily harm or

1 death.

2 Importantly, you don't have to have that weapon in the
3 jury room for you to determine that a deadly weapon was used. It
4 doesn't have to be found.

5 The Judge talked to you about what circumstantial
6 evidence is. You can look at the circumstantial evidence and
7 conclude that Josie's death was caused by some sort of sharp
8 instrument -- whether it's a box cutter or a knife or pair of scissors,
9 we don't know. But that's okay, as long as you conclude some
10 deadly weapon was used.

11 And certainly we had evidence that a deadly weapon was
12 used. You had three witnesses who describe a stabbing -- Garland,
13 Yesenia, Divina. You have the medical examiner who came in here
14 and testified that these injuries to her body are sharp-force injuries,
15 meaning caused by some sort of blade. Not only that, but it was a
16 single-sided blade, because she described for you that there was a
17 sharp edge to each wound and a dull edge. Think about a knife in
18 your kitchen drawer. There's a sharp edge and a dull edge that
19 allows you to push down on that knife. And that's evidence based
20 upon the injuries on her body that a deadly weapon was used.

21 And moreover, these sharp forced injuries, they caused
22 Josie's death. That's from the medical examiner. Those force
23 injuries -- that four- to five-inch blade -- excuse me -- that penetrated
24 into her heart and lung, that's what caused her to die. This wasn't
25 blunt-force trauma. This wasn't a situation where someone is

1 beating another person with their fists and arms and legs and
2 boots -- whatever the case may be.

3 These injuries that you see on her body, they were caused
4 by some sort of sharp instrument, a deadly weapon. So in your
5 deliberations, after you find that the defendant is the one who killed
6 her and the defendant is the one who committed first-degree
7 murder, you should conclude that the defendant is guilty of
8 first-degree murder with use of a deadly weapon, and check that box
9 on your verdict form.

10 The defendant's also guilty of the remaining three counts.
11 In Counts 2 and 3, he's charged with capturing an image of the
12 private area of another person. These are from the pictures that
13 were found on his phone, March 9th and March 23rd, that were
14 viewed on those two dates.

15 This crime is defined to for you in your instructions. And it
16 says that a person is guilty of this offense if the captured image of
17 the private area of another person, without their consent, in a place
18 where that victim thinks that they have a reasonable expectation of
19 privacy. And of course private area is just what you think of it is. For
20 men, the penis; for woman, the vagina and the breast area. Those
21 are places where you'd normally cover your clothes -- cover yourself
22 with clothes. That's your private area.

23 And so if you look at these two photographs from March
24 9th and March 23rd of 2015, they do depict Divina, don't they? They
25 depict her private areas -- the image on our left, her buttocks; the

1 image of her right, you can discern her breasts there in that
2 photograph, even though she's not looking at us straight on. Those
3 are her private areas.

4 These were also taken without her consent, weren't they?
5 This is a photograph obviously from outside, inside into that
6 bathroom. You can see the screen of that window. Do you think she
7 consented to someone taking a photo like this? Doubtful.

8 And also a bathroom is a place where Divina should have
9 expected some privacy; right? We don't expect that someone is
10 peeping into our windows when we're changing and taking a
11 photograph of us. So on these two offenses, the defendant clearly
12 has pictures of her private areas, taken without her consent, in a
13 place where she expected privacy.

14 The question really is, Did he capture these? We know
15 from Detective Darr's testimony that these were viewed on the
16 defendant's cellphone. That's the best that he could conclude from
17 the actual physical evidence of that cellphone that he looked at. On
18 this date, March 9th; on this date, March 23rd, someone holding this
19 phone viewed that.

20 How did they get there? Well, Detective Darr also said,
21 There's only one multimedia message on that phone at the time I
22 looked at it -- one. And that was multimedia message that Divina
23 had sent Leonard on March 17th -- I'm sorry -- on July 17th at 10:17
24 a.m. -- the one that he demanded she take of herself and send to
25 him.

1 So there's no other multimedia messages. That means
2 that those pics didn't come from someone sending a text to him.

3 Detective Darr also testified they were not sent by e-mail.
4 There were no e-mails on that phone. No e-mail, no text. Use the
5 circumstantial evidence of these facts, and you can conclude that the
6 only way that those phone -- those pictures get on that phone is
7 because he took them.

8 And moreover, this is a place where the defendant has
9 access to; right? This is his backyard. This is looking into the
10 bathroom of his own house. He's the one that has access to it.
11 These are common sense. Doesn't it make sense that he also took a
12 picture of it, rather than some stranger or some other person taking
13 a picture and then him coming upon it perhaps on the Internet?

14 Common sense tells you that he took that photograph.
15 And you can use the fact that it wasn't sent by text message and that
16 it wasn't sent by e-mail to come to that conclusion, even though
17 Detective Darr can only say these are the dates and times at which
18 these pictures were viewed.

19 But you also have akin the defendant's own statement. On
20 July 17th, he tells Divina, after she asks him, What am I staying
21 home for? She [sic] tells him [sic], I've been looking through the
22 window, and I see you taking pictures of yourself.

23 That, ladies and gentlemen, indicates to you that he's been
24 doing that. That may or may not be entirely the case. He may not
25 have been entirely telling the truth. But it does reveal something

1 probative; right? That he's looking through the window at her.

2 And all of this evidence is sufficient circumstantial
3 evidence for you to find the defendant guilty of Counts 2 and 3, of
4 capturing the image of the private area of Divina Leal on March 9th
5 and March 23rd.

6 And finally, open and gross lewdness. Divina described
7 for you the actions of the defendant on July 17th of 2015. She told
8 you that the defendant fondled her breasts through her shirt, that he
9 lifted up her shirt, and said those are some pretty titties. He said that
10 to a 15-year-old girl, a girl that he's known for nine years, meaning
11 he's known her since she was six years old.

12 Our instructions tell us what open and gross lewdness is.
13 They tell us that it's an indecent, obscene, or vulgar act of a sexual
14 nature, that, for purposes of this case, is committed in a private
15 place, but in an open manner, as opposed to the secret manner, with
16 the intent that the actions be offensive to the observer.

17 That's a lot of words, but that's what -- what this means is
18 this, grabbing Divina's breasts and telling her that she has pretty
19 titties, that's an offensive, vulgar, sexual act; right? That's the reason
20 he's doing it. He's motivated by his sexual desires.

21 He's not examining her, looking for an injury on her body.
22 And this, although it was committed in a private place, that's their
23 home on Montello address in Las Vegas. But it was done in an open
24 manner, meaning it was -- there was two people there. Divina was
25 there.

1 This wasn't a secrete sexual act that he was doing by
2 himself. It was somewhat public in the fact that Divina was there.

3 And finally, it was intended to be offensive to Divina. Why
4 else would he pay her \$20 and promise special privileges? This
5 wasn't a consensual encounter. This was something that would
6 offend her. And for that reason he was trying to persuade her, to
7 bribe her, not to disclose it by giving her \$20 and promising those
8 special privileges.

9 So in addition, also remember, please, the fact that he had
10 those photos on his phone can be used by you to corroborate
11 Divina's testimony that this action, this open and gross lewdness,
12 actually took place -- because those photos demonstrate that he had
13 a sexual desire for Divina, doesn't it? And that those photographs
14 corroborate her testimony.

15 So I would ask you, in Count four too, to find him guilty of
16 open or gross lewdness.

17 Ladies and gentlemen, I want to conclude by saying that a
18 few days ago Ms. Fleck told you in her opening what the evidence
19 would show. And she told you that the witnesses that we present
20 would lead you to one conclusion, that conclusion being that the
21 defendant is the person who killed Josie Jones, that the defendant is
22 the one who committed this act of sexual molestation on Divina's
23 body, and that the defendant is the one who captured those images
24 of her body on March 9th and March 23rd of 2015.

25 I ask you, Did not every single witness and every piece of

1 evidence that was presented to you lead you to that conclusion
2 beyond any reasonable doubt? Beyond any doubt? Can there be
3 any doubt in your minds, now, that the defendant is guilty of these
4 crimes?

5 I suggest to you that you should not have any doubt. You
6 should not have any reasonable doubt.

7 And on behalf of the people of the State of Nevada, Ms.
8 Fleck and I ask you to return verdicts of guilty on Counts 1, 2, 3, and
9 4. Thank you for your time.

10 THE COURT: Thank you, Mr. Rogan.
11 Mr. Woods.

12 THE DEFENDANT: Ladies and gentlemen of the jury, first,
13 let me thank you for all your time, attention, community service.

14 A decision has to be made on this case, and I'm
15 comfortable with who was picked to decide it. I know a decision of
16 this magnitude can alter the lives of all involved as it is a weighty
17 decision. So please take your time and weigh all the facts, or the
18 lack thereof. And whatever you decide will be decision we all live
19 with.

20 Remember reasonable doubt -- there should be no
21 questions lingering about any part of this before you make your
22 decision. A juror once asked if he is defending himself, then who are
23 other two? And all I can say for that is exactly.

24 As we saw -- as we all saw and heard, I asked each and
25 every expert witness, Was there any proof or evidence that I had

1 anything to do with any of these charges? And they all said no.

2 Now, no matter what was said in this case, what has been
3 proved beyond a reasonable doubt. If the State had already a solid
4 case, why was there the need for these actors to bolster it -- referring
5 to the manufactured phone call and the jailhouse girl. I tried to get
6 and asked for that phone call to be authenticated, but it was denied.

7 Ladies and gentlemen, everyone's PIN number is basically
8 the same. It is the number assigned to you and the year of your
9 birth, as in 1969 like mine. There's no super spy codes or nothing
10 like that. When you first come to county jail, booking lasts for four
11 hours roughly, where you sit side by side with anywhere from 9 to
12 25 inmates, rotating at random, with the women right across from
13 you. Everyone yelling, talking, exchanging numbers all through the
14 process.

15 Once you've established your PIN number on that phone,
16 it records your voice once and only once, and that recording is
17 repeated over and over, even if you leave and come back for another
18 crime. So mine has been the same since 2003, when I was taken in
19 on a traffic violation, while visiting before I moved out here.

20 The detective for the prosecution clearly played on the fact
21 that the recorded name would be played no matter who made that
22 call. Where their mistake was that the caller said, I hurt Josie. I
23 don't think she's going to make it.

24 As the prosecution pointed out, I was already made aware
25 that Josie was dead, so why wouldn't I just have said I killed Josie

1 instead of she might not make it?

2 The second was he asked for an address I would have
3 already known, by heart, for 20 years. They don't give you pens and
4 pencils and paper when you get to jail. They take everything from
5 you. And why is this call the shortest one that I would have made in
6 the three and a half years I've been here, the only one that mentions
7 anything like this, to a number in my cellphone that they've been
8 holding since July of 2015 to this date.

9 The second, the jailhouse girl. Why would you bring
10 someone who clearly didn't know me and on a murder charge
11 herself? She didn't know -- she didn't even what the address to tell
12 such a ridiculous story.

13 THE COURT: So I'm going to strike -- you just made a
14 statement that she has a murder charge herself. I don't know what
15 that is. But there wasn't any evidence. She was just in jail. So that'll
16 be stricken.

17 THE DEFENDANT: Oh, okay. For her to tell such a
18 ridiculous story -- eight people, six kids, I believe, and ten pit bulls,
19 which I somehow maneuvered through the six outside to the four in
20 the house, with one chair between us, confronted them. But only
21 one person managed to see me, asked about Josie, then ran out --
22 outrunning the four pit bulls, back past the six outside, and not
23 getting bit once. I mean, come on now.

24 She also said he saw me a total of three times -- once in a
25 white car, then rummaging through clothes outside, and then when I

1 kicked the door in. But when I asked her, you never seen me once
2 before in your life, did you? She said once when you came in and
3 once on the news.

4 How can eyewitness testimony change so dramatically
5 from the time you actually saw the crime until three and a half years
6 later, never seeing that person? Since then either didn't know what
7 they looked like then or gave a whole different statement to the
8 police at the time.

9 Witnesses who had only one black man to choose from in
10 the whole courtroom this whole week, sitting right behind the
11 defendant's sign right there -- that wasn't a hard call to make.

12 Garland Calhoun, who stated to the police on page 14 of
13 his statement, when asked: If you seen this guy -- if you see this guy
14 again, do you think you could identify him? Garland said, I'm not
15 certain. I mean, I'm trying to recall facial features. I remember his
16 body build more than anything else.

17 As you also heard on the stand, he told police that the guy
18 had a short Afro. As you can see, my hair recedes in the front and
19 the middle. I couldn't grow a short Afro if I tried to. But then he
20 tried to change the hairstyle, said it was shorter. He was trying to
21 put it closer to what I look like now.

22 He said the suspect had no gray hair and definitely was
23 not bald. When I asked him why his story had all of sudden had
24 changed from what he originally said, he said because I was in the
25 shadows. But all -- as we all saw in that video, when the suspect and

1 Garland were at their closest point, it was well lit on that sidewalk
2 area of Walgreens.

3 I asked if he talked to anyone at any time since then, and
4 he said only the prosecution recently, which him and his girlfriend
5 did.

6 His girlfriend Yesenia Rivas -- the girlfriend stated that
7 night to police she was farsighted and not only farsighted but
8 farsighted by a lot. When she got on the stand, she said she made a
9 mistake, now she was actually nearsighted. How can such a
10 night-and-day difference be overlooked by a person who -- by a
11 person who wears glasses? You know your prescription, especially
12 as an adult. She said she wasn't wearing her glasses that night; so
13 she couldn't have seen much anyway. But now three and a half
14 years later, she's crystal clear on everything.

15 She said she didn't want to talk to the prosecution after at
16 first that saying she did. She said she only wanted to talk with their
17 lawyers because she didn't want to talk about anything that night.

18 But Garland clearly said, when he was on the stand, they
19 both talked to the prosecution -- first him and then her. Divina stated
20 to the police, At first, I thought somebody was trying to rob my
21 mom, then it looked like somebody was shaking her. She went on to
22 say, after she was questioned over and over, I think it was my
23 stepfather. Then when questioned more, she started to go between
24 it was my stepfather; I think it was my stepfather. She said on the
25 stand, I didn't know for sure then, but I do now.

1 Divina had an ulterior motive to say it was me in the first
2 place. She had already accused me of a crime earlier, so quite
3 naturally I was her obvious choice.

4 How come all three witnesses' testimony changed after
5 three and a half years of uncertainty to positive identification after
6 and only after talking to the prosecutor?

7 Divina came to live in my apartment where her mother
8 was residing at the time in 2013, after living with her father for about
9 seven years. So Divina only knew me for about two and a half years.
10 And while stepfather is a term of endearment, she never referred to
11 me that way when I knew her, and I definitely didn't have a hand
12 raising her until she came to live out here in 2013.

13 She said her mom had called the police on me before,
14 which is false, because the prosecution would have had something
15 like that as evidence against me if that were true.

16 MS. FLECK: Objection.

17 THE COURT: Well, sustain the objection as to the
18 prosecution would have had the evidence. I mean, you can
19 comment on the evidence of what Divina testified to.

20 THE DEFENDANT: All right.

21 I didn't know at first why Divina made these allegations,
22 but now it's becoming more clear to me. After all the years of being
23 under her dad, she probably wanted to have Josie to herself and
24 manipulate the situation as she saw fit, which is understandable, but
25 she just went about it the wrong way.

1 As you heard, I still tried to teach her how to cook, how to
2 drive, and that making good grading took her far in life. Even
3 though she was arrogant, smart aleck, and manipulative, I still tried
4 to overlook that because I knew she had been through a lot already.

5 As I stated before, I have four daughters. And when that
6 call came over the phone, my heart broke. I knew that I was putting
7 myself in a dangerous situation, as every man with a daughter
8 knows, that's a relationship indescribable to any other. But I still
9 went to Arizona anyway.

10 I confronted her father, not knowing if I was going to get
11 my head blown off or not. And I rescued her from what I thought
12 was a bad situation at the time. Now I'm not so sure as of what I'm
13 going through now behind her accusations makes me believe she
14 had made up a lot about her dad that she said to me that night.

15 I met Josie in 2007, a month after my brother passed away
16 from liver and kidney failure.

17 MS. FLECK: Objection.

18 THE COURT: I'll sustain the objection.

19 You can't provide evidence that's not in evidence in the
20 trial, Mr. Woods. So you can't make statements about things that
21 haven't come out through witnesses during the trial.

22 THE DEFENDANT: Okay. But, Your Honor, they just said
23 something about following from Desert Pines that never had been
24 in --

25 THE COURT: Well, you can't --

1 THE DEFENDANT: -- even mentioned.

2 THE COURT: -- you can't testify to the jury. You can only
3 talk to the jury about evidence that was received during trial.

4 THE DEFENDANT: Okay.

5 THE COURT: So things you want to talk about from the
6 past and things that were not brought out as evidence in the case
7 can't be commented upon in closing arguments.

8 This is a discussion we had before we started.

9 THE DEFENDANT: Okay. I permanently moved to Las
10 Vegas at the end of 2007.

11 MS. FLECK: Objection.

12 THE COURT: I'll strike that statement. Mr. Woods, you
13 can only comment about evidence that was received during the trial,
14 please.

15 THE DEFENDANT: Okay. Josie worked at the dog
16 grooming job since about 2012. When she stayed with me, she
17 helped with living expenses. But a dog grooming job alone cannot
18 pay for rent, cable, gas, water, car notes, trips to San Diego, New
19 Jersey, Texas every year to see my kids, a teenager, grocery,
20 cellphones. Where did the rest of the income come from if I just sat
21 around all day?

22 MS. FLECK: Objection.

23 THE DEFENDANT: That was mentioned.

24 THE COURT: Well, that -- the last part of that -- I would
25 have sustained an objection to the earlier part. But to that part, I

1 mean, the rhetorical question he's asking of the jury about how to
2 view evidence is okay. I'll overrule the objection.

3 THE DEFENDANT: Okay. One of the reasons why Josie
4 had to move in with me so much is because she couldn't afford all of
5 that on her own. So in 2015 -- in June of 2015 I helped Josie and
6 Divina moved into Pinon Peak address. Two months before the
7 murder occurred, I would visit Josie at the house, and she would
8 visit me at mine. Bills, driver's license, friends, family, and witness
9 prove I lived at 172 Montello Avenue, not to mention --

10 MS. FLECK: Objection.

11 THE COURT: I'll sustain the objection and strike the
12 statement, Mr. Woods.

13 THE DEFENDANT: My address and license is part of --

14 THE COURT: Mr. Woods, I sustained the objection and
15 strike the statement. You can only comment on evidence that was
16 received by the jury during the trial.

17 THE DEFENDANT: Okay. One of the -- one of the main
18 reasons for the move -- well, I don't think I could say that either.

19 Okay. The cellphone charges have been reduced since
20 you all were here last -- last time you were here, ladies and
21 gentlemen. And all I can say to that is I'm not surprised. I knew
22 there was no spying and peeping of anyone nor did I take any
23 photos.

24 What stood out to me during her testimony, if you notice,
25 was when Divina saw those photos of herself in the bathroom for

1 supposedly the first time, she was neither shocked or outraged.

2 MS. FLECK: Judge, I'm going to object to that
3 characterization of reduced.

4 THE COURT: Reduced?

5 MS. FLECK: I believe he said that the charges had been
6 reduced since we first heard about them.

7 THE COURT: Well --

8 MS. FLECK: That was a legal issue.

9 THE DEFENDANT: The charges have been --

10 THE COURT: You could address the dismissal of those
11 charges as well, since he chose to address that.

12 THE DEFENDANT: Okay. Well, I'll say --

13 THE COURT: You can go ahead, Mr. Woods.

14 THE DEFENDANT: -- The cellphone charges have been
15 dismissed, four of them, since you all were here lasted -- since you
16 were here last time. And all I can say to that is I'm not surprised. I
17 knew I did no spying or peeping of anyone nor did I take those
18 photos.

19 And what stood out to me during her testimony was
20 Divina was not shocked or outraged by seeing them. That's because
21 she already saw them before. For someone who was supposedly
22 unaware they were being taken, why no emotion in seeing them for
23 the first time?

24 The main reason tying me to this murder for so long was
25 Divina's accusations and those cellphone's pictures. The

1 prosecution used to come in court and say I was so obsessed over
2 her that I spied on her and took little pictures of her. And when I
3 went to jail, I got out and was so mad I went looking for them.

4 Now that theory has -- is full of holes. I always knew it
5 would prove to be. There was no spying, peeping, or capturing
6 images. Now what's coming to light is who really was behind those
7 pictures, plus the fact that when I got out of -- when I got out of jail
8 it's been proven, I got on the Greyhound and went straight to San
9 Diego for two --

10 MS. FLECK: Objection.

11 THE COURT: I'll sustain the objection and strike that
12 statement.

13 Mr. Woods, please. You cannot talk to the jury and try and
14 testify now. You have to confine your argument to what evidence
15 was produced during the trial.

16 THE DEFENDANT: Josie never did anything to me, so why
17 would I do anything to her? Especially not something over what
18 Divina did. There was never domestic violence, a fight, a bad
19 situation between us, because if it ever was, Josie would have did
20 the same thing she did when she thought I did something to Divina.
21 She would not have hesitated to sever all ties. Something else that
22 is never brought up and very misleading, I was not the last man
23 Josie was involved with.

24 MS. FLECK: Objection.

25 THE COURT: I'll sustain the objection and strike the

1 statement, Mr. Woods.

2 THE DEFENDANT: If those pictures were in that phone on
3 the 17th of July of that year, why was I not charged for them until
4 September 12th of that same year? They took that phone on the
5 17th and said no pictures were seen or found. But 38 days later, not
6 only are there pictures now, but you decide to charge me with them
7 57 days later, almost two months.

8 Why was Divina's phone never seized or searched on an
9 allegation like this? The forensic guy Darr said no pictures came of
10 the downloading one she was supposed to have sent to me on that
11 date. He also said you cannot tell who took these pictures, who sent
12 these pictures, whether or not these pictures were even taken by this
13 phone.

14 So the prosecution shouldn't have just dismissed some of
15 the cellphone charges -- all of them should be dismissed because the
16 forensic guy said there was no proof I had captured any images or
17 that I had ever even seen these pictures at all.

18 I said in my opening statement that there's a reason why
19 no forensic or physical evidence, DNA, CSI, or none of that, a
20 weapon was ever found. And that's simply because they don't have
21 the murderer.

22 We live in a world of science; we live in a world of
23 forensics, DNA, CSI, et cetera. We live in a world of highly
24 sophisticated computer technology and software.

25 Why then was I not allowed to authenticate that phone

1 call? Why then would they not enhance the video -- the image of
2 that video so we could have clearly seen who was in it? Why no
3 facial recognition? Why was that palm print -- fingerprint ever
4 identified to someone when it came back as not belonging to me?

5 Do you think I'd stand here and ask these questions if I
6 thought that evidence would point back to me?

7 And we have never, before this whole week, heard about a
8 following from Desert Pines High School to the scene of the crime. I
9 don't know where that -- he actually came from. The two officers
10 that came in contact with me that night were Haynes and Swartz.
11 That was the first black guy and then his white partner came a
12 couple days later or the next day, something like that.

13 Haynes said I came up to him and said, I think you guys
14 are looking for me for an incident that happened on Tropicana and
15 Decatur. He said he had no idea of the crime at the time; I just came
16 up to him and confessed, so he detained me.

17 His partner Swartz testified that his partner was running
18 me for warrants, and that led to the information about me being
19 related to the crime. Swartz also said that he knew of the crime
20 beforehand because he always checks the computer in the car which
21 is controlled by the passenger side, even though he was the driver
22 that night.

23 So the question is, if I was turning myself in, why would I
24 not turn myself in a bloody mess, as the suspect had to be, with the
25 car and the murder weapon? Or on the other hand just drive out of

1 town and keep going like the suspect most likely did?

2 The coroner said the injuries could have been caused by
3 something other than a knife, but she wouldn't give me a direct
4 answer when I caught her off guard with the questions -- since you
5 didn't ride in the back of the ambulance, can you say with a hundred
6 percent surety that something the paramedics did or didn't do
7 contributed to the demise of the victim? And a lot of people who
8 weren't professionals tried to administer aid to the victim. Could
9 they have done something to also contributed to the victim's death?
10 She said it was possible, but she didn't want to give a yes or no
11 answer.

12 The only question she positively answered was, Are the
13 coroner's report sometimes wrong? To which she answered yes.
14 That in itself proves the prosecutor cannot show beyond a
15 reasonable doubt exactly what caused the demise of the victim. Was
16 it by the weapon itself? Neglect on the paramedics' behalf? An
17 accident by civilians trying to help? Or a combination of all three?

18 We all watched that video at one point. And at that -- we
19 all watched that -- that video. And at one point the suspect looked
20 like he tackled the victim. Coming in contact with her like that, and
21 with all that blood on the scene, there's no way the suspect would
22 not have blood, hair, fibers, fingerprints, shoe prints, DNA,
23 something on him or from her. Well, I didn't. Not an iota of nothing,
24 even after the crime scene analyst lady did every test known to man
25 on my body and clothing, nothing.

1 The prosecutor suggested I may have changed my shirt. It
2 would have taken more than a change of shirt to get rid of all that
3 should have been there -- maybe more like a couple days of
4 scrubbing.

5 The victim's cellphone -- the detective actually had nerve
6 to say -- sit up here and say the victim's cellphone wasn't important.

7 In this day and age, especially a woman's cellphone, it's
8 almost an extension of her. It could have and possibly would have
9 shown who she talked to last, who she texted last. Did someone
10 make threats that day? That night? The last few days? She could
11 have even been on the phone with her assailant right before this
12 happened. But we can't know because he gave the phone away.

13 MS. FLECK: Objection.

14 THE COURT: I'll sustain the objection.

15 THE DEFENDANT: He said he gave it away.

16 THE COURT: That -- that's not what the testimony was.
17 Testimony was they recorded a lot of the text messages
18 communication by photograph.

19 THE DEFENDANT: That Taurus pulled up minutes after
20 she got there. She could have actually told whoever that was that
21 that's where she was going to be. How can you take my cellphone,
22 look in it, don't find anything, then are so intent on finding the
23 picture that you go into a store to do a forensic dump, but a dying
24 woman's cell phone wasn't even important to look into at all?

25 MS. FLECK: Objection.

1 THE COURT: I'll sustain the objection. That was not what
2 the testimony was, Mr. Woods.

3 THE DEFENDANT: The police and detectives didn't a very
4 good job on this case. Not only did they not find any even in three
5 and a half years, it's almost as if they didn't try. After my name was
6 mentioned, they had tunnel vision all the way -- not even bothering
7 to eliminate the possibility of other suspects.

8 I remember the judge asking anyone, Has anyone ever
9 been falsely accused? And only one person raised their hand. And
10 I'm not singling anyone out -- just the story from that. The person
11 stated how his friends, or who he -- who they thought was their
12 friends accused them of doing something wrong; they knew they
13 hadn't done. And as that person told that story, you could feel the
14 hurt, the anger, the shame, the embarrassment felt by that person.

15 And even when it comes up you're not guilty of what
16 you've been accused of, does that feeling ever go away? Are you
17 really ever okay after that?

18 Once, during these proceedings, I was compared to Aaron
19 Rogers, the quarterback for the Green Bay Packers. And I thought to
20 myself why is he comparing me to Aaron Rogers? Later on it hit me
21 that he's not comparing me to Aaron Rogers, the quarterback of the
22 Green Bay Packers. He was trying to compare me to Aaron
23 Hernandez.

24 MS. FLECK: Objection.

25 THE COURT: I'll sustain the objection. We're not going to

1 speculate about anything that wasn't stated, Mr. Woods.

2 THE DEFENDANT: So just like they got the -- the name
3 wrong, the team wrong, the man wrong, just like he did this time.

4 So when asking yourself did the prosecutor prove this
5 case beyond a reasonable doubt? How could she when she had
6 doubts herself? And if she had doubts, how can she possibly expect
7 to convince you to have beyond a reasonable doubt? She dismissed
8 some of the charges which means she had doubts about them.

9 MS. FLECK: Objection.

10 THE DEFENDANT: She --

11 THE COURT: Mr. Woods, what the attorneys think about a
12 case -- and I don't think that's been stated for one thing -- but what
13 the attorneys think is not what the relevant -- or because the jurors
14 make a decision based on the evidence in the case.

15 THE DEFENDANT: All right. She said the handprint and
16 fingerprints were mine. She said the --

17 MS. FLECK: Objection. Objection.

18 THE COURT: I'm going to sustain the objection and strike
19 the statement. There was never any testimony that the prosecutor
20 said the handprint or fingerprint belonged to you, Mr. Woods.

21 THE DEFENDANT: The handprint and fingerprints were
22 supposedly belong to me.

23 MS. FLECK: Objection.

24 THE COURT: I'll sustain the objection and strike the
25 statement. That was never stated by the prosecutor.

1 THE DEFENDANT: No. I'm not saying she said -- just in
2 general, it was the handprints or fingerprints were supposed to be
3 mine. Just in general -- not saying the prosecutor said it.

4 THE COURT: Well, but nobody stated that, Mr. Woods.
5 They said that -- that it wasn't your handprint or fingerprint. The
6 prosecution stated that; the witnesses stated that.

7 THE DEFENDANT: Okay. The handprint and fingerprints
8 didn't belong to me. The Taurus didn't belong to me. I -- no proof
9 that I took any pictures. No proven fact about the exact cause of
10 death. And it can't be proven about the cause of death as -- as being
11 stated, because no weapon has ever been recovered.

12 They had to use actors and jailhouse people who
13 obviously didn't know what they were talking about. They didn't
14 produce not one single piece of forensic or physical evidence, as my
15 DNA appeared on nothing related to this case. And why? Because
16 when you have the wrong person, you'll never have the right facts
17 and evidence to prove him guilty.

18 Does she prove every element of her case? Not even
19 close. The law states that if not one element of a case is proven,
20 then there can be no conviction.

21 I asked the lead detective, Out of all the evidence you
22 collected on this case, either by yourself or others, what piece of
23 physical evidence do you have at all that says Leonard Woods killed
24 Josie Jones or anybody else?

25 And he said none.

1 So, ladies and gentlemen, please show that someone can't
2 be convicted without proof, facts, and evidence; show that slick and
3 underhanded tactics can't lead to conviction; show that witnesses
4 aren't allowed to dramatically change and recant from their original
5 statements, that false witnesses aren't allowed; show them that a
6 person charged with a crime is indeed innocent until proven guilty
7 beyond a reasonable doubt; show that prosecutors have to prove
8 every element of their case before a guilty conviction is rendered.

9 Thank you.

10 THE COURT: Thank you.

11 Ms. Fleck.

12 MS. FLECK: Judge, can we have three minutes just to --

13 THE COURT: 30 minutes?

14 MS. FLECK: Three minutes break.

15 THE COURT: Okay.

16 MS. FLECK: Thank you.

17 THE COURT: We will take a quick recess, ladies and
18 gentlemen.

19 During the recess, you are admonished not to talk or
20 converse among yourself or with anyone else on any subject
21 connected with the trial, or read, watch, or listen to any report of or
22 commentary on the trial, by any medium of information, including,
23 without limitation, newspapers, television, Internet, and radio, or
24 form or express any opinion on any subject connected to the case
25 until it is finally submitted to you. No legal or factual research,

1 investigation, or recreation of testimony on your own.

2 Go ahead. We'll be back in about 10 or 15 minutes. Thank
3 you.

4 [Outside the presence of the jury.]

5 THE COURT: Anything outside the presence?

6 MR. ROGAN: Not from the State.

7 THE COURT: No? All right. We'll be in recess, guys.

8 [Recess taken from 2:34 p.m., until 2:42 p.m.]

9 THE COURT: You can go ahead. Thank you. Well, it's
10 good to see you.

11 [Pause in the proceedings.]

12 THE COURT: You all can be seated. Thank you.

13 Okay. We will be back on the record. Mr. Woods,
14 Mr. Hauser, Ms. Fleck, Mr. Rogan, all of our jurors are present.

15 We will continue on with our closing arguments.

16 On behalf of the State, Ms. Fleck.

17 MS. FLECK: Thank you, Your Honor.

18 In this trial, ladies and gentlemen, like every trial that has
19 occurred before it and like each and every trial that will occur after it,
20 is about one thing. It's about a search, and it's a search for the truth.

21 So what do the facts and evidence show in this case as to
22 what the truth is leading up to the death of Josie Jones? Does it
23 show that the defendant in a cold, calculated, premeditated, and
24 deliberate fashion found her within this Valley and killed her in a
25 brutal fashion in front of her 15-year-old child?

1 Or does it show this huge giant inexplicable overreaching
2 conspiracy to bring down Leonard Woods? A conspiracy that
3 involves lay witnesses; a conspiracy that involves various Metro --
4 members of Metro; a conspiracy that involves the coroner's office. I
5 believe he said they couldn't even tell you how she died, what her
6 cause of death was. What it was that took Josie Jones from this -- a
7 living breathing mother of two children, to this.

8 So this conspiracy involves the coroner. It involves the
9 paramedics. It involves the people who are in the ambulance that
10 somehow kill her; right? Because we don't know the cause of death.

11 This huge conspiracy involves the jail. It involves the way
12 that the jail phone calls are made. It involves some unknown person
13 in the jail who happens to be there at the same time as Leonard
14 Woods, who inexplicably calls his friend and confesses to this
15 murder. A huge conspiracy to bring down Leonard Woods.

16 That is not what the evidence in this case has shown. That
17 is not what you have heard from each and every witness in this case.

18 So let's talk about the truth of the matter in this case. And
19 before we get to the truth of what occurred on August 5th of 2015,
20 let's look at the months leading up to that murder.

21 Let's look at back to March, when the defendant clearly
22 starts fantasizing about Divina. Now, this is a child that he had
23 known since she was young, but she was now 15 years old. She was
24 clearly developing into a young woman, no longer this child that he
25 had known throughout his life. And he starts taking pictures of her.

1 Now, there's two counts of capturing images. The
2 defendant is right. The State -- because it's our ethical duty actually
3 to dismiss counts or to not proceed on counts that we don't feel that
4 we can prove -- isn't proceeding on the peeping. But that's what the
5 defendant was doing when he was looking through those windows.

6 Now, the legal charge of peeping -- it's a statute that sort
7 of evades a certain set of facts that we found in this case. As it turns
8 out you can't peep on your own property.

9 So if you have a house guest at your house, and you go
10 and look at him through the window or her through the window, it's
11 not actually a charge of peeping.

12 Under the statute, in order for somebody to be found
13 guilty of peeping, it has to be either the property of another person,
14 or it has to be your property that you are now renting or leasing to
15 another person.

16 And as we know, the evidence that came out at trial from
17 Divina is that everybody was living at the address together. And
18 because she was a 15-year-old child at the time, the State actually
19 had no way of proving what the exact living situation was; who held
20 the lease at that time, if anyone was leasing the property.

21 That's why you don't see those peeping charges on the
22 verdict form when you go back because we had an ethical duty not
23 to proceed on them based upon the evidence.

24 So Defendant starts taking pictures of Divina. How do we
25 know that he took those pictures and that he was the one that

1 captured those images of her breasts and her body? No one else
2 sent those pictures. There's not one multimedia photograph within
3 that phone. When they do the forensic analysis, the only multimedia
4 picture that is sent is sent from Divina on July 17th of 2015.

5 He admitted that he was the person standing outside of
6 her window, that he would watch her --

7 THE DEFENDANT: Objection, Your Honor. I never --

8 THE COURT: Hold on. Hold on.

9 Ms. Fleck?

10 MS. FLECK: I'll rephrase.

11 THE COURT: Thank you.

12 MS. FLECK: He --

13 THE COURT: I'll sustain the objection.

14 MS. FLECK: Thank you.

15 The defendant admitted that he watched her. He told her
16 on the 17th --

17 THE DEFENDANT: Objection, Your Honor.

18 THE COURT: Overruled. She's referring to what Divina
19 said that you had told her; so that's appropriate because that's what
20 Divina testified to.

21 You can go ahead.

22 MS. FLECK: Thank you.

23 He told her, on July 17th, I've been watching you. I've
24 been watching you when you're in the bathroom.

25 And where were those photographs taken, while Divina

1 was in the bathroom? She testified. And she told you that they were
2 taken from up above the shower, looking down at her -- just like the
3 defendant said -- outside of the bathroom.

4 THE DEFENDANT: Objection, Your Honor. Divina actually
5 said the bedroom.

6 THE COURT: Well, this is argument right now. So the jury
7 will rely on what they remember the exact testimony to be.

8 But you can -- you can go ahead.

9 MS. FLECK: Well, she didn't say bedroom. She said
10 bathroom. And you can see it's the bathroom because there's a
11 bathroom sink. That's where she was, in the bathroom.

12 Now, defendant has suggested, Well, there's no way that
13 those pictures were actually there because nobody saw them in July.

14 You have to remember, the forensic analysis wasn't done
15 on this telephone until after Josie Jones's murder, so those
16 photographs were not viewed until late into August. So the fact that
17 nobody saw them through the month of July doesn't mean that he
18 didn't capture those images; doesn't mean that he wasn't looking at
19 those photographs; doesn't mean that wasn't fantasizing about his
20 stepdaughter.

21 Now, Divina had never seen these photographs before, so
22 how would Divina know to add that to her testimony? How would
23 Divina know to say in her statement to the police that he had told her
24 that he was looking at her outside the window? She wouldn't have
25 known that these photographs were in there. How would she have

1 possibly known to add that detail to the statement that she gave to
2 the police in July?

3 Furthermore, who would know that that child was in the
4 bathroom at that time but the defendant? There's four people living
5 at the house at the time -- her little brother, her mother, her, and the
6 defendant. And it just so happens that multiple photographs are
7 taken of this child while she's in there changing? Yet someone else
8 did it. Someone else just figured out, in happenstance, when Divina
9 was going to be in there changing?

10 The person that took the photographs is a person who
11 knew when she would be naked, when she would be undressed,
12 when she would be in the bathroom. And that's the defendant.

13 The defendant claims that someone else took the photos
14 and sent them to his phone. Who? Who did it? Because the only
15 evidence that you heard was the defendant was the person looking
16 at her. So what? He just happened to have these photos in his
17 phone that he was looking at that he never erased? Some random
18 person sent him these pictures, and he didn't erase them? Some
19 random person sent him these photographs, and there's no incident
20 about it? He doesn't say to Divina, Whoa, we've got a problem.
21 Like, there's someone outside watching you while you're
22 undressing.

23 The only person who was -- you heard evidence of --
24 standing outside that window, watching that child in various stages
25 of undress, was the defendant, by his own admission. And he did all

1 of that while she undressed, while she was alone, while she had a
2 reasonable expectation of privacy.

3 Little did she know that a person that she trusted, a person
4 she had known her whole life, was violating her. The first time he
5 violated her trust she did not know it. That all changed on July 17th.

6 So what do we know about the open and gross? First of
7 all, what did she tell you about him getting her alone? He told her
8 that she couldn't go out with her mom that day because she had to
9 clean the house. Look at the photographs of that house and tell me
10 that you've ever seen a more spotless home. What was she going to
11 clean? This was clearly a ruse to get her to stay home.

12 He made her send a photograph of herself. And how do
13 we know that that actually happened? So Divina tells the police
14 about this photograph on July 17th. The forensic analysis is done
15 over a month and a half later. And lo and behold, just as Divina
16 says, there is but one multimedia picture in that telephone, sent by
17 Divina, on the morning of July 17th of 2015, at 10:14 a.m. -- one
18 photograph, directly corroborating what she says. There are no
19 other pictures from any other person on that phone.

20 He told her that his phone was off, evidenced by the fact
21 that it did not, in fact, download. And we know it didn't download
22 because on the photograph during forensic analysis it says it didn't
23 download. They could never open it to see exactly what it was
24 because it had expired on July 20th.

25 But how would she know to add that detail on the 17th,

1 and then just coincidentally there's a different picture in the forensic
2 analysis?

3 Furthermore, the defendant told Officer Fulwiler, when he
4 got arrested for the open and gross, Hey, Divina sent me a picture. I
5 don't know what it is. I haven't been able to download it. I haven't
6 been able to open it. I don't --

7 THE DEFENDANT: Objection, Your Honor.

8 THE COURT: As to?

9 THE DEFENDANT: She said, I told the police that a picture
10 was sent to me and downloaded.

11 THE COURT: Well, I --

12 THE DEFENDANT: I never said that.

13 THE COURT: I'll sustain the objection as to that aspect of
14 what you stated, Ms. Fleck.

15 MS. FLECK: Okay. Just in turns of exactly what was said?

16 THE COURT: Well, I believe the testimony -- well, you'll
17 rely on what you recall the testimony to be, ladies and gentlemen.
18 But I believe the testimony was that he had received the message,
19 but hadn't had a chance to open it.

20 MS. FLECK: Okay. True. He said he had received the
21 message. He hadn't had a chance to open it, but he didn't know
22 what it was.

23 Now, why would he get out of his car and on his own
24 spontaneously tell Officer Fulwiler this? Unless he knew that there
25 was something incriminating on that photograph, something that he

1 shouldn't have, something that corroborate Divina. Why would he
2 get out ahead of this to Officer Fulwiler?

3 And then the suggestion is, Oh, well, Officer Fulwiler isn't
4 telling the truth. Really? Because Officer Fulwiler documented that
5 all the way back in July.

6 How would he know that that is going to be corroborated
7 by the forensic evidence in that CFL report done in August?

8 And most of all with regard to the open and gross
9 lewdness, what motive would Divina have to make this up? She told
10 you she loved the defendant. She told you that she trusted the
11 defendant. She told you he -- just as he said -- helped her cook,
12 taught her to drive. Why on earth would she just out of the blue
13 make this up?

14 If she was going to make something up, wouldn't it be a
15 lot better than he grabbed my breasts. If she was going to lie about
16 the defendant in order to take him down, so that she could have her
17 mom all to herself, as he suggests, why would she stop at Oh, he did
18 a grab around of my breasts? Isn't she going to go further than that?
19 He raped me? He forced me on -- he forced himself on me?
20 Something a little bit more brutal; something a little bit more, you
21 know, intense. Why stop at the open and gross?

22 And furthermore, why on earth would she want to hurt her
23 mother by telling her this? You heard from Devyn and Dora. And
24 they told you the anguish that this child was in at the thought of
25 having to tell her mom, at the thought of having to report him. What

1 would hurt her mother more than hearing that the man that she had
2 been with for nine years had touched her child? Not only a violation
3 of her, but clearly a violation of her child.

4 And then Divina then went on to trick Devyn and Dora?
5 This whole charade continued for her, so that she text messaged her
6 friend, got her friend all excitable about this, brought Dora into the
7 mix, begged them to come and help -- begged them to come and
8 help her. To take down the defendant? For what purpose?

9 Then she was able to come in here, four years later, and
10 testify to the exact same things, in detail? She threw in these little
11 details about the \$20 that he gave her, threw in the little details
12 about privileges. Why? What motive would she have to ever do that
13 to her family?

14 So finally, ladies and gentlemen, we get to the murder,
15 and the defendant suggests that there's no evidence that links him to
16 this. On the contrary, every single solitary piece of evidence and
17 testimony in this case tells you that one person and one person only
18 brutally slaughtered Josie Jones, and that's the defendant. There
19 isn't a piece of evidence that doesn't suggest that.

20 Interestingly, no one is arguing to you that this is not a
21 first-degree murder. What the defense has been is that he's not the
22 person that did it, that Leonard Woods is not the person that did it.

23 If you find that Leonard Woods is the person that
24 perpetrated this, this is a first-degree murder with use of the deadly
25 weapon, period. You saw on that video a textbook example of lying

1 in wait -- when a person pulls up to the Walgreens, conceals
2 themselves both in their car and by hiding between the cars, waits for
3 over four minutes in concealment, pops up and reveals themselves the
4 minute that the two individuals come out of the store, and then takes
5 that moment to brutally attack a person -- that is lying in wait, by
6 definition.

7 This is a premeditated and deliberate killing. And we
8 know that it's a premeditated and deliberate killing because there is
9 one person that had the motive in this case and that's the defendant.
10 And the person that had the motive clearly is the person that
11 perpetrated this kind of vicious attack.

12 This is something, as Mr. Rogan said, that the defendant
13 had thought about since July 17th. It is something that he had
14 ruminated on. It was something that he had stewed about. It is
15 something that he had made threats about throughout their entire
16 relationship.

17 If you leave me, I will kill you. You heard that from Divina;
18 you heard that from Dora. These were threats that had repeatedly
19 been made. And what did she do? She left.

20 He went looking for her. And you heard from Dora -- Dorie
21 Henley. And what did she tell you? She told you that the defendant
22 came to the house numerous times looking for Josie Jones; that he
23 burst into the door one time; that other time he came and he looked
24 through his belongings; that he was all in a white or light-colored
25 car, four-door sedan.

1 We know that the defendant then found her all the way
2 across town -- that they had done everything that they could to move
3 on with their lives, everything that they could to relocate and get
4 away from the defendant. But he found them all the way across
5 town.

6 And then he waited for her. And he waited for 30 seconds
7 so that he could pull in, and then another four minutes. He
8 premeditated and deliberated in a first-degree murder.

9 But, ladies and gentlemen, this is a first-degree murder
10 even if the two didn't know each other. We know it is here because
11 of the motive. But if these two were strangers and that murder
12 occurred the way that it did in this case -- if an absolute stranger saw
13 Josie, pulled out a knife, plunged that into her the first time, chases
14 her around the car and does it another 15 times, that's a first-degree
15 murder.

16 Within that amount of time, a person is deliberating; they
17 are premeditating; they are weighing the decisions; they are
18 weighing the consequences. And that determination to kill is
19 formed. It's an instantaneous -- it's as instantaneous as successive
20 thoughts of the mind.

21 So even if they didn't know each other, this would qualify
22 as a first-degree, premeditated, and deliberate murder -- lying in wait
23 murder.

24 But the fact that we know the motive of the killer is even
25 more indicative of the fact that it's a premeditated and deliberate

1 killing.

2 Now, in terms of identification -- I mean, there is an
3 avalanche of evidence; an absolute avalanche of evidence showing
4 us that it is the defendant.

5 First of all, we have Divina. Now, basically we could have
6 rested our case at Divina; right? Because she is the one person who
7 tells us exactly what happened and exactly who did it. But we didn't.
8 We had a burden of proof for you, and we put on every piece of
9 evidence that we could have.

10 Now, according to the defendant, that Divina -- Divina just
11 wants her mom to herself. So she is going to allow the actual killer
12 to go free. Okay? She's not going to help the police to find the
13 person who took her mother from her right before her very eyes.
14 She's not going to help the police do that, because she has a grudge
15 on this guy because she wants her mom to herself. Well, that plan
16 sure backfired for her, didn't it?

17 Divina said that it was the defendant because it was the
18 defendant. She saw him. She knows him. She heard him. Her
19 testimony alone convicts the defendant.

20 But we have more. We have Garland and Yesenia. Now,
21 the defendant somehow suggests to you that their testimony
22 changed -- absolutely not. I mean, Garland told the police, when he
23 was interviewed, I would never want to even attempt to make an
24 identification by way of a photograph because I wouldn't want to be
25 wrong. That's exactly what Garland said.

1 He and Yesenia don't want to try to attempt to make an
2 identification and be wrong. But it doesn't mean that when saw the
3 defendant live and heard him and saw his mannerisms -- and I didn't
4 ask him if he saw the defendant in the courtroom or the killer in the
5 courtroom.

6 What I said to him is describe the person that you saw at
7 Walgreens. And on his own he said, Well, he's sitting right there.

8 Now, to suggest also that he has somehow changed his
9 testimony -- he has never seen a photograph of the defendant. He
10 was not given a six-pack of the defendant. This is the first time that
11 he has seen him in this courtroom.

12 But do you think that that's something that he might
13 remember? Do you think it's something that might be burned in
14 Garland's brain? Seeing something like this? Looking this man in
15 the eyes? So we have the testimony of both Garland and Yesenia.

16 We also have the testimony of doctor -- of Officer Haynes
17 and Officer Swartz -- the officers that the defendant surrendered to.
18 These men are working Downtown Las Vegas. They are on another
19 call. It's after midnight. They're busy. They have absolutely no clue
20 who this gentleman is. It hasn't been put out over the dispatch; it
21 isn't in the system.

22 When Officer Haynes is approached by him, he literally
23 has no idea who he is. Yet he's conspiring to bring him down
24 somehow? I mean, you saw Officer Haynes' utter confusion. The
25 defendant kept saying to him, Well, when you approached me. And

1 he was just looking at him in disbelief. He said, No, sir. You
2 approached me. Like, you approached me. I don't know any other
3 way around it.

4 Now, clearly the defendant had cleaned himself up.
5 There's no doubt about that. He was wearing a white shirt when we
6 see him in that video. And when he's downtown, he's in a black
7 shirt. He's clearly showered. He's clearly gotten rid of the blood.
8 Nobody testified that they saw blood on him.

9 But ask yourself if he also shaved his head. You see him
10 throughout trial. His hair has been anywhere from shaved to a little
11 bit shorter to a little bit longer than that. So to suggest that he
12 wouldn't have shaved his head after something like this when he
13 went to get cleaned up?

14 To suggest that the killer is someone other than the
15 defendant would be to completely and totally ignore this jail call. It
16 was his PIN that -- his PIN number that was used. It was his voice on
17 the call. It was his voice announcing that it was Leonard Woods. It
18 was his friend that was called -- the same friend that is in his
19 cellphone; the same friend that he's text messaging throughout the
20 months or weeks before the murder.

21 He is describing the exact same situation that the
22 defendant has found himself in. He is the only person in Clark
23 County Detention Center that has been charged with the murder of
24 Josie Jones. He is the only person who has been told that Josie is
25 deceased. It is his confession to the crime that he committed.

1 Ladies and gentlemen, on July 17th of 2015, Josie Jones
2 died right before her daughter's eyes. This was a woman tried to do
3 right by her child. She listened to her daughter tell her that she was
4 molested by a man that Josie had been with for nine years -- a man
5 that she, no doubtedly at times, had loved. She put her daughter's
6 safety above her own, and basically it cost her her life.

7 Josie saw -- foresaw her own death on July 17th. She
8 knew exactly how she was going to die. And she told her daughter
9 that and she told Devyn that and she told Dora that. She said, He
10 will find me and he will kill me.

11 THE DEFENDANT: Objection, Your Honor.

12 THE COURT: Overruled.

13 MS. FLECK: The defendant said in his closing to you, A
14 girl needs her dad. Well, a girl needs her mom too, and that was
15 taken from her on August 5th of 2015.

16 Fifteen-year-old Divina watched her mom as she was
17 literally slaughtered right before her eyes. And for that, ladies and
18 gentlemen, justice demands, in this case, a verdict of first-degree
19 murder with use of the deadly weapon for the brutal killing of Josie
20 Jones.

21 THE COURT: Thank you. All right. We're going to swear
22 our officers to take charge of our jurors.

23 [The Clerk swore in the officers to take charge of the jury during
24 deliberations.]

25 THE COURT: All right. You're going to gather up all your

1 belongings, ladies and gentlemen. And then we're going to get all
2 the evidence together and get it back to you at the deliberation
3 room.

4 Prior to trial, we randomly selected Seats Nos. 1 and 2 to
5 be the alternates. So, Ms. Nelson and Ms. Quaresma, you all are the
6 two alternates.

7 When you guys all go back there, the two of you are going
8 to kind of peel off into my chambers with Jackie, and she's going to
9 get a little information from you. You're going to be released right
10 now. You still can't talk about the case with anybody until we let you
11 know that the jury's finished their deliberations, but you're going to
12 be released for right now.

13 The rest of you will go to the deliberation room to start
14 your deliberations.

15 One thing -- I apologize -- I meant to tell you this before we
16 started this afternoon. You noticed the gentleman from the media
17 that was here -- and I meant to tell you this before we got going -- we
18 have public courtrooms obviously, and the media has free rein in my
19 courtroom. They're always very good and very professional and
20 very respectful. So whether it's print or broadcast, film, photograph,
21 whatever. They do a lot of their work in all the angles of the
22 courtroom. They don't publish anything related to jurors. So they're
23 not going to take pictures of you and publish them in the newspaper
24 or anything like that. Okay? Don't worry.

25 But go ahead and get on back. We'll get everything to you

1 so you can get started with your deliberations. Okay? Thank you.

2 [The jury retired to deliberate at 3:13 p.m.]

3 THE COURT: Do you guys have anything outside the
4 presence?

5 MS. FLECK: No. Just in terms of scheduling for the --

6 THE COURT: Other two charges?

7 MS. FLECK: Yeah.

8 THE COURT: So we're going to talk about these
9 instructions. I'm going to give you guys a minute to look through
10 them real quick. And then I'll ask you all to go ahead and put the
11 defendant's name and the case number information in there.

12 MS. FLECK: Okay.

13 THE COURT: But these are the ones that I intend on
14 giving.

15 Don't make me look bad. By the way, I just took your
16 back, Mr. Photographer.

17 These are the ones that I intend to give that I give in every
18 case that has these charges pending. The only thing it's not specific
19 to is the language of the two charges here. So that's the only thing I
20 couldn't put in there. So if you guys will just put that information in
21 there, though.

22 But take a look at them. And if anybody wants to raise any
23 objection to them. We'll get that settled before we let you all go.
24 Okay?

25 MS. FLECK: Okay.

1 THE COURT: And then in terms of if there's a penalty
2 phase. Was that part of your question?

3 MS. FLECK: That. And then also --

4 THE COURT: You guys can all sit down. Thank you.

5 MS. FLECK: -- more of the guns also? Or is that
6 something you're going to plan on doing immediately?

7 THE COURT: Yeah, yeah.

8 MS. FLECK: Okay. Because just in terms of us getting our
9 witnesses down here.

10 THE COURT: How many witnesses do you need?

11 MS. FLECK: Well, we need, I think, three to four. Divina is
12 flying in tonight --

13 THE COURT: Okay.

14 MS. FLECK: -- in anticipation of the guns, and then also if
15 we go to penalty.

16 THE COURT: Okay.

17 MS. FLECK: So she'll be here. So we could try to get our
18 officers on this afternoon. And then -- I mean, I think that's putting
19 the cart before the horse.

20 THE COURT: Okay.

21 MS. FLECK: But --

22 THE COURT: Well, depending upon the deliberations, I
23 just assumed you were going to have one officer come in that was
24 involved in the search and the seizure of the guns. I didn't know you
25 had three to four people that you wanted to put on.

1 MS. FLECK: Well, just because -- we would like to -- I
2 mean -- there's a chance we don't necessarily have to. But --

3 THE COURT: Well, no. I mean, you do whatever you need
4 to do. I just -- I wasn't aware that you needed three to four people.
5 That's all I'm saying. So --

6 MS. FLECK: One person impounded --

7 THE COURT: So if you had a -- well, here's the thing. If
8 we have a verdict today, knowing this as I do now, then I would say
9 we're going to start tomorrow at 10:30.

10 MR. ROGAN: Okay.

11 MS. FLECK: Okay.

12 THE COURT: Okay? With witnesses.

13 MS. FLECK: Okay.

14 THE COURT: I know beforehand, I said we'd start at 1:00.

15 MS. FLECK: Yeah.

16 THE COURT: But I thought that was just for --

17 MS. FLECK: Penalty.

18 THE COURT: -- penalty and bringing in Ms. Leal again.

19 But if we have a verdict today, then we'll start at 10:30
20 tomorrow with these two charges.

21 MS. FLECK: Okay.

22 THE COURT: And hopefully be able to get that done and
23 still get into penalty later tomorrow.

24 MS. FLECK: Okay. And when I say three to four, it's like
25 just because one person sees it, then one person documents it. So

1 it's --

2 THE COURT: Okay.

3 MS. FLECK: -- just in case.

4 THE COURT: And how many potential penalty phase
5 witnesses do you have?

6 MS. FLECK: Two.

7 THE COURT: Two? Okay.

8 And, Mr. Woods, do you have any witnesses available
9 potentially for a penalty phase?

10 THE DEFENDANT: No.

11 THE COURT: No? Okay. All right.

12 So then, yes. Then we would start tomorrow at 10:30.

13 And then get the two charge part down. And then, if need be, we
14 would roll into a penalty phase thereafter.

15 MS. FLECK: Okay. Perfect.

16 THE COURT: And I'll send you guys copies of instructions
17 for penalty phase stuff, as well.

18 MR. ROGAN: Thank you.

19 THE COURT: Okay.

20 MR. HAUSER: And, Judge, I won't be back tomorrow. Ms.
21 Murray's coming back in.

22 THE COURT: She'll be back? Okay.

23 MR. HAUSER: I'm just going to make sure that she's
24 available for 10:30 tomorrow. If there's ever an issue, I'm going to
25 contact chambers.

1 THE COURT: Yeah, that's fine.

2 MR. HAUSER: But we'll just plan on 10:30 tomorrow.

3 THE COURT: Yeah.

4 MR. HAUSER: Personally, for my schedule and for

5 everybody else's, how late do you intend to keep the jurors today?

6 THE COURT: Generally, I would let them go at 5:00 --

7 MR. HAUSER: Okay.

8 THE COURT: -- unless they give me some information,

9 like, Hey, we're really -- you know, there's something we want to

10 work through right now. Can we stay a little bit longer?

11 MR. HAUSER: Sure.

12 THE COURT: But I wouldn't keep them much longer than

13 that into the evening. Generally, no longer than 5:00 or 6 o'clock at

14 the latest.

15 MR. HAUSER: I'll hang out until I hear from chambers.

16 THE COURT: Okay. All right. Thank you.

17 MR. HAUSER: Thank you.

18 THE COURT: And do you guys have a clean laptop there

19 that I can send back to them to be able to review things?

20 MR. ROGAN: As soon as I make the changes to the

21 instructions --

22 THE COURT: Okay.

23 MR. ROGAN: -- I'll bring it.

24 THE COURT: Great. Thank you. Okay. We will be in

25 recess.

1 [Recess taken from 3:17 p.m., until 3:30 p.m.]

2 THE COURT: Okay. Did you guy have a chance to look at
3 these?

4 MR. ROGAN: Yes. We're -- I'm sending them to you right
5 now.

6 THE COURT: I think there's actually only five instructions
7 that are different than what you already have. Some of them are
8 obviously duplicitous of what we just gave. But the only five
9 instructions that are new would be the one with that defines
10 prohibited person and possession of a firearm; the one that defines
11 firearms; the one that defines actual and constructive possession;
12 the one that tells the jury they can only consider the prior felonies as
13 it pertains to proving the ability to possess a firearm.

14 But then there's that one instruction that tells them that all
15 of their instructions, including those previously given, apply to their
16 deliberations.

17 All right. Mr. Woods, do you have any objection to any of
18 the instructions?

19 THE DEFENDANT: So you're saying just the first, what is
20 that, five or six from the top is the only one that's --

21 THE COURT: Yeah. If you're just going straight through
22 the packet, then No. 1, it is now my duty as judge -- that's the same
23 stock instruction that we just gave in the homicide portion of the
24 case.

25 No. 2, if in these instructions -- again it is a stock

1 instruction.

2 The third one is the information that just defines these two
3 charges now, instead of the first charges.

4 And then the fourth one would be, A person who has been
5 convicted of a felony -- so that's the legal definition of prohibited
6 person in possession of a firearm.

7 The fifth one tells the jury what the instruction for a
8 firearm is, what constitutes a firearm.

9 The sixth one is about possession -- the law recognizes
10 two kinds of possession, actual and constructive.

11 The seventh one is a modified bad act instruction that I
12 give that tells the jury that they're only to consider your ex-felon
13 status as it pertains to proof of your ability to possession a firearm,
14 that they can't consider that for any other reason, to show that
15 you're a person of bad character or anything like.

16 And then No. 8 is the same presumption of innocence that
17 we've already given.

18 Number 9, the same constitutional right not to testify.

19 Number 10, again tells them they cannot consider
20 punishment in their deliberations.

21 Number 11 is the one I mentioned a moment ago, that
22 tells them all of the instructions apply to their deliberations, both the
23 first seven in this set.

24 Number 12 is the same instruction about what they can't
25 do during the course of the trial. You cannot communicate, watch

1 media reports, et cetera.

2 13, same instruction about what you retire to consider
3 your verdict, you have to elect a foreperson.

4 14 is, Now you're listening to arguments of counsel -- that
5 same instruction that we just gave.

6 Do you have any questions about any of those?

7 THE DEFENDANT: No.

8 THE COURT: Okay. You hesitated a little bit.

9 Has Mr. Hauser been able to answer any questions you
10 have?

11 THE DEFENDANT: Yeah.

12 THE COURT: Okay.

13 THE DEFENDANT: When is the trial supposed to be for the
14 guns?

15 THE COURT: Well, this will happen as soon as the jury
16 reaches a verdict on the first four charges. Then we get them in
17 here. I will tell them that they now have to deliberate on these two
18 charges, that I'm not allowed by law to let them know about these
19 charges until they reach verdicts on the first part.

20 And then people have an opportunity to make an opening
21 statement, or they can just waive that. And then the State will have
22 an opportunity to present evidence. You would have an opportunity
23 to present evidence. And then we would read them these
24 instructions and have closing arguments on those two charges.

25 So it happens immediately upon the return of the verdict.

1 Unless that -- when I say immediately, meaning tomorrow
2 morning. We're not going to do it today because I don't expect that
3 they're, you know, going to have a, you know, a verdict in five
4 minutes. And we don't have the witnesses here.

5 So if they get a verdict, then we would start this tomorrow
6 at 10:30.

7 THE DEFENDANT: So it's not really a trial? It's just a
8 deliberation on the charges?

9 THE COURT: Well, it is a trial. Each side has an
10 opportunity to present more evidence. Like, the State was trying to
11 not refer to the guns during this part of the trial, but it came out
12 when you asked that question of the detective. But they didn't go
13 into it any further.

14 So now they're going to bring in the witnesses who were
15 involved in the search apparently, as well as, you said, Divina again.
16 And then put on whatever evidence they believe they need to put on
17 in regard to the firearms, including whatever evidence they have
18 from the felony convictions.

19 And then you'd be able to have closing arguments, just
20 like I said. So it's a trial. It's just a lot less evidence because a lot of
21 the other things have already been established.

22 And did you make the corrections and put the defendant's
23 name and information in?

24 MR. ROGAN: Yes.

25 THE COURT: Okay. Did you already e-mail those?

1 MR. ROGAN: I did. Did you not receive them?

2 THE COURT: I -- you know what, I was talking to one of
3 our jurors actually.

4 MR. ROGAN: I did it just as you were taking the bench.

5 THE COURT: Okay. Well, since I said that on the record,
6 let me be clear. I was talking to Ms. Nelson who was released as an
7 alternate that was expressing a concern about her husband. So it
8 wasn't anything about the case.

9 Yep. I see it. So we'll get those printed out now.

10 MR. ROGAN: If you could also please print out the
11 amended information that we need to file?

12 THE COURT: Yeah.

13 MR. ROGAN: Thank you.

14 THE COURT: Okay. Did you have any other questions,
15 Mr. Woods?

16 THE DEFENDANT: I believe that's it.

17 THE COURT: Okay. So we'll get those printed out and
18 marked. You know what the numbers of everything are.

19 And I needed to ask the State, does the State have any
20 objection or questions about any of them?

21 MS. FLECK: No, Your Honor.

22 THE COURT: No? And you all didn't have any others to
23 offer?

24 MS. FLECK: We don't.

25 THE COURT: Correct? And Mr. Woods?

1 MS. FLECK: Appreciate you doing that. Thank you.

2 THE COURT: Did you have others to offer, Mr. Woods?

3 THE DEFENDANT: No.

4 THE COURT: No? Okay. All right. We'll be in recess.

5 [Recess taken from 3:37 p.m., until 4:02 p.m.]

6 THE COURT: All right. You all can be seated. Thank you.

7 We will be on the record, 309820. Mr. Woods, Mr. Hauser,
8 State's attorneys, jurors are all present.

9 Ms. Wesley, did I see you with my verdict form? Yes. You
10 got them in your -- are you the foreperson?

11 THE FOREPERSON: I'm sorry. What?

12 THE COURT: You're the foreperson; correct?

13 THE FOREPERSON: Oh, yes, sir.

14 THE COURT: Okay. And the jury's reach a verdict?

15 THE FOREPERSON: Yes, sir.

16 THE COURT: Okay. Could you go ahead and hand those
17 to the marshal for me, please. Thank you, ma'am.

18 Okay. We're going to have the clerk read the verdict for
19 the minutes of the court.

20 You all can remain seated. It's okay.

21 THE CLERK: District Court, Clark County, Nevada. The
22 State of Nevada, Plaintiff, versus Leonard Ray Woods, Defendant,
23 Case Number C-15-309820-1, Department 3.

24 Verdict: We, the jury in the above-entitled case, find the
25 Defendant Leonard Ray Woods, as follows:

1 Count 1: Murder with use of a deadly weapon. Guilty of
2 first-degree murder with use of a deadly weapon.

3 Count 2: Capturing an image of the private area of
4 another person. Guilty.

5 Count 3: Capturing an image of the private area of
6 another person. Guilty.

7 Count 4: Open or gross lewdness. Guilty.

8 Excuse me. Dated this 25th day of March 2019, signed
9 Faith Wesley.

10 Ladies and gentlemen of the jury, are these your verdicts
11 as read, so say you one, so say you all?

12 THE JURORS: Yes.

13 THE COURT: Either side wish to have the jury polled?

14 MS. FLECK: Not the State. Thank you.

15 THE COURT: Defense?

16 THE DEFENDANT: Oh, no.

17 THE COURT: No? All right. Ladies and gentlemen, I'm
18 going to go ahead and release you today.

19 We're going to start tomorrow at 10:30, moving into the
20 next phase of our trial.

21 So same thing, when you get here tomorrow, just buzz the
22 intercom and we'll get you back.

23 So during the recess you are admonished not to talk or
24 converse among yourselves or with anyone else on any subject
25 connected with the trial, or read, watch, or listen to any report of or

1 commentary on the trial by any medium of information, including,
2 without limitation, newspaper, television, Internet, or radio, or form
3 or express any opinion on any subject connected with the case until
4 it's finally submitted to you. No legal or factual research or
5 investigation on your own.

6 Thank you very much for your time today. And I will see
7 you tomorrow morning at 10:30.

8 Okay? Thank you.

9 [Outside the presence of the jury.]

10 THE COURT: Anybody have anything outside the
11 presence?

12 MS. FLECK: Not from the State.

13 THE COURT: From the defense, Mr. Woods?

14 THE DEFENDANT: No.

15 THE COURT: Okay. All right. Then we will see everybody
16 tomorrow at 10:30. We'll move into the phase regarding the two
17 prohibited person charges.

18 And then my intent would be to try and complete that
19 before we take a lunch break.

20 MS. FLECK: For sure.

21 THE COURT: And then move into any penalty phase in the
22 afternoon.

23 MS. FLECK: Great. Thank you.

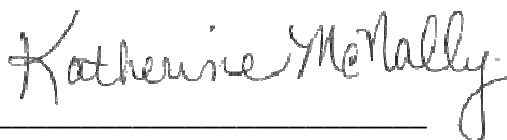
24 THE COURT: Okay. Thank you, guys.

25 [Proceedings adjourned at 4:06 p.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Katherine McNally
Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC

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THE STATE OF NEVADA,
Plaintiff,
vs.
LEONARD RAY WOODS,
Defendant.

CASE NO: C-15-309820-1j
DEPT. III

RECORDER'S TRANSCRIPT OF PROCEEDINGS
RE: DAY 7

MICHELLE N. FLECK, ESQ.
JEFFREY S. ROGAN, ESQ.

PRO SE
JULIA M. MURRAY, ESQ.

Case Number: C-15-309820-1

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Admitted</u>
STATE'S EXHIBITS		
72	(Not Described)	23
73	(Not Described)	23
74	(Not Described)	16
75	Photo of the closet	16
76	(Not Described)	16
77	Photo of the shotgun	16
78	(Not Described)	16
79	Photo of firearm in the couch	16
80	Photo of the handgun	16
81	Photo of the handgun	16
82	Photo of the handgun	16
83	(Not Described)	16
84	(Not Described)	16
85	Photo of the bullet headstamp	16
86	Photo of Josie Jones & Kenyatta	85
87	Photo of Divina & Kenyatta	85
88	(Not Described)	85
89	(Not Described)	85
90	(Not Described)	85
(Continued)		

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E X H I B I T S (Continued)

<u>No.</u>	<u>Description</u>	<u>Admitted</u>
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STATE’S EXHIBITS

91	(Not Described)	85
92	(Not Described)	85
93	(Not Described)	85

DEFENSE’S EXHIBITS

B	(Not Described)	30
F	(Not Described)	30
G	(Not Described)	30
H	(Not Described)	30

1 **LAS VEGAS, NEVADA, TUESDAY, MARCH 26, 2019**

2 [Proceeding commenced at 11:36 a.m.]

3
4 [Outside the presence of the jury.]

5 THE COURT: Okay. Mr. Woods is present. You guys have
6 anything while we are on the record?

7 MS. MURRAY: We are.

8 THE COURT: All right. Mr. Woods is present; Ms. Murray
9 is here with him; State's attorneys.

10 Do you guys have anything outside the presence before
11 we get started?

12 MS. FLECK: Oh, nothing. Thank you.

13 THE COURT: Anything, Mr. Woods?

14 THE DEFENDANT: Oh, just a couple things.

15 I was given some threats by other inmates for the charges
16 against Divina. So they said they were going to move me. But just
17 in case something happens to me, I want it to be on record that I did
18 make it known to the courts.

19 THE COURT: Okay. I don't really have any involvement in
20 that. But I would trust the detention center to do what they need to
21 do to ensure the safety of all of the inmates at that facility. Okay?

22 THE DEFENDANT: All right. And I was wondering is it at
23 all possible, when we got finished today, could I get sentenced
24 immediately?

25 THE COURT: So no, we can't do that. I mean, all that we

1 are going to do today is go through the next two charges, and then
2 let the jury deliberate on those.

3 And then if they get a verdict, then we will move into the
4 penalty phase today as well, and then they will deliberate on those.
5 So whether that all finishes up today or tomorrow morning, I'm not
6 sure. But that's just the jury verdict part of it.

7 It still has to go to Parole and Probation in your case for a
8 Presentence Investigative Report, and then we will come back in
9 50 days. I can't sentence anybody without a sentencing report under
10 the law. So it can't all be done today even if we wanted it to.

11 THE DEFENDANT: Nothing sooner than 50 days?

12 THE COURT: 50 days is the minimum that we set when
13 somebody is in custody, to give them an opportunity to get finished
14 up.

15 THE DEFENDANT: All right.

16 THE COURT: Okay. You can go ahead. Thank you.

17 [Pause in the proceedings.]

18 [Recess taken from 11:38 a.m., until 11:41 a.m.]

19 [In the presence of the jury.]

20 THE DEFENDANT: Your Honor, I was trying to admit to --

21 THE COURT: Hold on.

22 Thank you.

23 You guys good.

24 All right. Everybody can be seated.

25 Okay. We'll be back on the record. Mr. Woods is here;

1 Ms. Murray is present with him; States' attorneys, and jurors are
2 present.

3 So, ladies and gentlemen, before we actually move to the
4 penalty phase, there are two other charges that I have to submit to
5 you. And by law I'm not allowed to discuss these charges with until
6 after you deliberated on the other charges. These charges -- and I'll
7 just read the charges to you as I did with the other general charges.

8 State of Nevada versus Leonard Woods, Case No. 309820,
9 Department No. 3, Amended Information. State of Nevada, County
10 of Clark. Steven Wilson, District Attorney, within and for the County
11 of Clark, State of Nevada, in the name and by the authority of the
12 State of Nevada informs the Court that Leonard Ray Woods, the
13 defendant above named, having committed the crimes of ownership
14 or possession of firearm by a prohibited person on or between
15 March 9, 2015, and August 5th, 2015, within the County of Clark,
16 State of Nevada, contrary to the form, force, and effect of statutes in
17 such cases made and provided and against the peace and dignity of
18 the State of Nevada.

19 Count 5: Ownership or possession of firearm by
20 prohibited person, did on or about July 17th, 2005, willfully,
21 unlawfully, and feloniously, owned or have in his possession and/or
22 under his custody or control a firearm, to wit: a Mossberg 500
23 shotgun. The defendant being a convicted felon, having, in 1990,
24 been convicted of possession of a narcotic controlled substance for
25 sale in Case No. CR113964 in the Superior Court of California,

1 County of San Diego, a felony under the laws under the State of
2 California; and/or having, in 1992, been convicted of sale/furnish
3 marijuana/hash, possession of marijuana for sale; felon, addict, et
4 cetera, possession of firearm in Case No. CR131746 in the Superior
5 Court of California, County of San Diego, a felony under the laws
6 under the State of California.

7 Count 6: Ownership or possession of firearm by
8 prohibited person, did on or about July 17th, 2015, willfully,
9 unlawfully, and feloniously owned or have in his possession and/or
10 under his custody or control a firearm, to wit: a Colt MK 4
11 semiautomatic handgun. The defendant being a convicted felon
12 having, in 1990, been convicted of possession of a narcotic
13 controlled substance for sale in Case No. CR113964 in the Superior
14 Court of California, County of San Diego, a felony under the laws
15 under the State of California; and/or having, in 1992, been convicted
16 of sale/furnish marijuana/hash, possession of marijuana for sale; and
17 felon, addict, et cetera, possession of firearm in Case No. CR131746
18 in the Superior Court of California, County of San Diego, a felony
19 under the laws under the State of California.

20 Signed off for Steven Wilson, Clark County District
21 Attorney, by Ms. Fleck, Chief Deputy District Attorney. To wit: the
22 defendant has entered pleas of not guilty.

23 These two charges have a trial just like the other charges
24 do. So everything that I read to you all before we started the trial
25 about the opportunities of the parties to present a case in chief, call

1 witnesses, produce items of evidence -- they have the opportunity to
2 do those things. And then we would have closing arguments should
3 the attorneys wish to provide any closing arguments, and then you
4 would deliberate on these two charges.

5 Once we finish up with this process, then we'll actually
6 start the penalty phase process.

7 So with that being said, I would first ask the State, do you
8 all wish to make an opening statement?

9 MS. FLECK: Very briefly, Your Honor.

10 THE COURT: Okay.

11 MS. FLECK: Thank you.

12 **OPENING STATEMENT BY THE STATE**

13 MS. FLECK: Good morning, again, ladies and gentlemen.

14 As the judge told you, you will now deliberate on two
15 counts, both of them being ex-felon in possession of a firearm.

16 What you will learn is that on July 17th, when Divina Leal
17 first spoke with officers, she informed them, once the defendant was
18 arrested, that there were two firearms in her home -- and that was
19 the home on Pinon Peak that she shared with her mom and with the
20 defendant.

21 You will learn that one was a Mossberg 500A shotgun, a
22 sawed-off shotgun, that was actually recovered after a search
23 warrant -- an execution of the search warrant. And that was
24 recovered in the defendant's closet.

25 And there was also a Colt MK 5 -- I'm sorry -- MK 4

1 semiautomatic handgun. That was ultimately recovered in the
2 bottom of a couch in that Pinon Peak address.

3 You will learn that the defendant has been previously
4 convicted of prior felonies -- one from 1990 for possession of
5 narcotics for sale in California, along with possession of a firearm in
6 that case; and in 1992, possession of marijuana, sale and possession
7 of a controlled substance, and possession of a firearm.

8 You will hear from just a few witnesses in this case, just
9 for these charges.

10 You will hear from Officer Fulwiler, who will tell you about
11 an admission that the defendant made to him when he was arrested
12 about the fact that there may or may not be a shotgun in the house.
13 As it turned out, there was -- and you'll see photographs of that.

14 You will additionally hear from now Sergeant Reyes who
15 will tell you about him applying for a search warrant and the
16 execution of the search warrant and where those two firearms were
17 found.

18 And then you will finally hear from Divina Leal who will
19 tell you what the living situation was at the time, the fact that the
20 defendant owned those guns, when she first saw those guns, and
21 the fact that he had told her numerous times where they were, that
22 he wanted her to have them for her own protection and protection of
23 her mom when he was out of town.

24 Thank you. We'll submit those to you after that evidence.
25 Thank you.

1 THE COURT: Thank you.
2 Mr. Woods, do you wish to make any opening remarks?
3 THE DEFENDANT: No.
4 THE COURT: Okay. State may call their first witness.
5 MS. FLECK: Thank you. The State calls Divina Leal.

6 DIVINA LEAL
7 [having been called as a witness and being first duly sworn, testified
8 as follows:]

9 THE CLERK: Thank you. Please be seated. And please
10 spell and say your name for the record.

11 THE WITNESS: Divina Leal. D-I-V-I-N-A; last name Leal,
12 L-E-A-L.

13 THE COURT: All right. Ms. Leal, thank you for coming
14 back.

15 Ms. Fleck.

16 MS. FLECK: Thank you, Your Honor.

17 **DIRECT EXAMINATION**

18 BY MS. FLECK:

19 Q Good morning. Divina, I would like to direct your
20 attention back to July 17th of 2015. Where were you living at that
21 time?

22 A July 17th, I was living on Pinon Peak.

23 Q Okay. And, again, who all was living at that residence at
24 that time?

25 A My mother, Josie; Leonard; myself; and my little brother,

1 Kenyatta.

2 Q How long had you all been living at Pinon Peak?

3 A I'd say about two months.

4 Q Okay.

5 A Two, three months.

6 Q And what was the street that you lived on before Pinon
7 Peak?

8 A Montello Avenue.

9 Q When you moved out of Montello, did you entirely vacate
10 that residence?

11 A Yes.

12 Q And then everyone moved to Pinon Peak?

13 A Yes.

14 Q And no one ever lived at Montello ever again?

15 A No.

16 Q Just to refresh your memory, showing you State's Exhibit
17 A.

18 MS. FLECK: Your Honor, permission to publish that
19 throughout?

20 THE COURT: You may.

21 BY MS. FLECK:

22 Q Pinon Peak address?

23 A Yes. That's the front door.

24 Q Showing you State's Exhibit 13. What do we see here?

25 A Leonard's room.

1 Q Okay. And we see again those Raiders pillowcases; is that
2 correct?

3 A Yes.

4 Q Okay. Now, when the defendant was arrested on
5 July 17th of 2015, you had an opportunity to meet with the police; is
6 that right? Is that a yes?

7 A Yes.

8 Q Okay. And did you alert them that there might be
9 something found within the residence that may be of evidentiary
10 value to them?

11 A Yes.

12 Q And what was that?

13 A Guns, firearms.

14 Q And who were the owners of those guns?

15 A Leonard.

16 Q When is the first time that you saw Leonard with guns in
17 your home?

18 A I was about 14.

19 Q When you were about 14? So that was before you lived at
20 Pinon Peak?

21 A Yes.

22 Q Okay.

23 A Before I lived in Montello, we were living in a completely
24 different place from both of those residences.

25 Q Okay. And so the first time that you saw -- well, let me ask

1 you this. The two firearms that you were referring to on the 17th,
2 can you describe them? What were they?

3 A Yes. One was a small handgun and the other one was,
4 like, a sawed-off shotgun.

5 Q And where did you know them to be stored in the home?

6 A Closet. In his closet, in the bedroom.

7 Q Were they just loose in the closet? Or were they in
8 something?

9 A They were in a pillowcase, a blue one.

10 Q Okay. That's where you had always seen them?

11 A Yes.

12 Q And what color was the handgun?

13 A Black.

14 Q And how about the shotgun?

15 A Black.

16 Q What was his purpose of ever showing you these two
17 firearms?

18 A To protect our home --

19 Q Okay.

20 A -- if he was ever away.

21 Q So what -- tell me about the first time you saw them, what
22 did he tell you?

23 A He was going out of town to California, I believe. And he
24 -- I was in my room. And he brought me a pillowcase and it had the
25 handgun in it. And he told me that he was leaving for a little while,

1 and he told me I know what to do with it if there were anything to
2 happen.

3 And after he left, I took the gun out. And I checked to see if
4 it was loaded and it was loaded.

5 Q Okay. And then once you moved to Pinon Peak, did you
6 have an opportunity to see the firearms at that address also?

7 A No.

8 Q You never saw them there?

9 A No.

10 Q Okay.

11 A Well, I knew they were there, but he had never, like, given
12 them to me or anything.

13 Q And how was it that you knew that they were there?

14 A Because I've seen them in his closet before.

15 Q Okay.

16 MS. FLECK: Are these admitted?

17 MR. ROGAN: We need to make a record.

18 MS. FLECK: Okay. Showing defendant what's been
19 marked at State's Proposed 74 through 85.

20 THE DEFENDANT: I would have to object, Your Honor.

21 THE COURT: All right. Let me take a look, please.

22 MS. FLECK: Pardon me?

23 THE COURT: Did you say object?

24 THE DEFENDANT: Yes.

25 THE COURT: Yes. Okay. Was there any particular one or

1 you're just objecting to all of them?

2 THE DEFENDANT: To all of them.

3 THE COURT: Okay. What's the basis of the objection,
4 Mr. Woods?

5 THE DEFENDANT: Well, throughout the whole trial it's
6 been established that I've only resided at Montello Avenue.

7 THE COURT: Well, that -- I don't want you to --

8 THE DEFENDANT: Now, it's --

9 THE COURT: -- argue your case right now. Just is there
10 an objection based on relevance, foundation? I mean, not your --

11 THE DEFENDANT: Well, it's foundation. It's saying I've
12 staying somewhere where --

13 THE COURT: Well, that -- whether you stayed there or not,
14 and whether you were in possession of anything or not -- those are
15 factual arguments that can be made to the jury and you can argue
16 about.

17 THE DEFENDANT: Okay.

18 THE COURT: I think that the photos; however, are
19 relevant. So I will admit the photos. Save and except for -- there's
20 one of them that I thought was kind of duplicitous of earlier
21 photographs.

22 Well, actually I take that back. It's got the magazine
23 removed. So I will admit the photographs that are proposed as 74
24 through 85.

25 **[PLAINTIFF'S EXHIBIT NOS. 74 THROUGH 85 ADMITTED.]**

1 MS. FLECK: Thank you, Your Honor.

2 THE COURT: Okay.

3 BY MS. FLECK:

4 Q Now, again, State's 13.

5 A It's Leonard's room.

6 Q Whose room is this?

7 A Leonard's.

8 Q Showing you State's Exhibit 75.

9 A That's the closet.

10 Q In whose room?

11 A Leonard's room.

12 Q Showing you State's Exhibit 77. What do we see here?

13 A That is the shotgun.

14 Q Okay. And now showing you State's Exhibit 80. What do
15 we see here?

16 A That's the handgun that he had given me before.

17 Q Okay. And, again, once you and your family moved out of
18 the Montello address, did anyone ever go back to Montello?

19 A No.

20 Q You vacated that property?

21 A Yes. We all went.

22 Q And everyone moved into Pinon Peak?

23 A Yes.

24 MS. FLECK: Court's indulgence. Nothing further.

25 THE COURT: Mr. Woods, any questions for Ms. Leal?

1 THE DEFENDANT: Just a couple.

2 **CROSS-EXAMINATION**

3 BY THE DEFENDANT:

4 Q When you moved from Montello Avenue to Pinon Peak,
5 did you ever go back to the Montello Avenue address?

6 A What do you mean?

7 Q Did you ever go back to the place where you used to
8 reside on Montello Avenue?

9 A For what?

10 Q For any reason.

11 A To get the rest of our belongings we have, but not to stay.

12 Q After you moved all of your belongings out of that house,
13 did you ever return to that house for any reason?

14 A No.

15 Q Okay. And you said when you first saw the firearms, you
16 were how old again?

17 A About 14.

18 Q And that was at which residence?

19 A Pecos Pointe Apartments.

20 Q Okay. Now, between Flagstone and Pecos -- Flagstone is
21 where the laptop incident occurred -- you and your mom had to stay
22 on the Budget Suites on Boulder. And in that time, you guys came
23 outside and found a handgun up under the AC unit; correct?

24 A Yes.

25 Q Okay. Now, that was before you moved into the Pecos

1 Pointe Apartments; correct?

2 A Yes.

3 Q Okay. What did you says do with the gun that was found
4 under the AC unit?

5 A My mom picked it up and put it in the apartment.

6 Q Okay.

7 A And you disposed of it.

8 Q You picked it up and put it in the apartment.

9 So not a couple of minutes, I would say, after that -- and I
10 want to say gangbangers -- because I wasn't really sure how they
11 were described -- came knocking at the door looking for that gun.
12 And I was called; correct?

13 A Mm-hmm.

14 THE DEFENDANT: Okay. Nothing further, Your Honor.

15 THE COURT: Ms. Fleck?

16 MS. FLECK: Nothing further.

17 THE COURT: Anything from our jurors?

18 Ms. Leal, thank you again for your time. You are excused.

19 Okay?

20 State may call the next witness.

21 MR. ROGAN: State calls Sergeant Cody Fulwiler.

22 CODY FULWILER

23 [having been called as a witness and being first duly sworn, testified
24 as follows:]

25 THE CLERK: Thank you. Please be seated. And please

1 state and spell your name for the record.

2 THE WITNESS: Sergeant Cody Fulwiler, C-O-D-Y,
3 F-U-L-W-I-L-E-R.

4 THE COURT: Thank you, sir.

5 Mr. Rogan.

6 MR. ROGAN: Thank you.

7 **DIRECT EXAMINATION**

8 BY MR. ROGAN:

9 Q Sergeant, thank you for coming back.

10 You previously testified that you conducted an interview of
11 Mr. Leonard Woods in July 17th of 2015. Do you recall that
12 interview?

13 A Yes, I do.

14 Q And did you interview him after you read to him his
15 Miranda rights?

16 A Yes, I did.

17 Q During that conversation, did you ask him about whether
18 there were any firearms located inside of 3492 Pinon Peak Drive,
19 here in Las Vegas, Clark County, Nevada?

20 A Yes, I did.

21 Q And did he respond to you?

22 A He did.

23 Q What did he say?

24 A He said that he did reside at that residence and that there
25 may or may not be a shotgun in his closet.

1 Q In which closet?

2 THE DEFENDANT: Object, Your Honor. The only thing in
3 that report was he said --

4 THE COURT: Well, now, don't argue about what you think
5 about what the evidence is. Just an objection. What's your
6 objection? A legal basis for an objection to what he just said. The
7 question was: Did you make some statement to him and he said
8 what you allegedly said to him?

9 THE DEFENDANT: Yeah. But the only statement was a
10 gun was found, not did you live at the residence. That's nowhere in
11 the report.

12 THE COURT: Okay. I'm going to overrule the objection.
13 You can continue, Mr. Rogan.

14 MR. ROGAN: Thank you.

15 BY MR. ROGAN:

16 Q Did he say in which room the closet was located where
17 that shotgun may or may not be?

18 A In his bedroom.

19 Q Thank you. Did you participate in a search of the
20 residence of 3492 Pinon Peak at all?

21 A I was present, but I didn't participate in any other matter.

22 MR. ROGAN: Thank you very much. Nothing further.

23 THE COURT: Mr. Woods?

24 **CROSS-EXAMINATION**

25 BY THE DEFENDANT:

1 Q If you stated that I said I lived at the residence, why is that
2 nowhere in the report?

3 A As far as my recollection is, it is in the report. If I could
4 see the report, and I could read it from it.

5 Q Okay. That's nowhere in the report. You -- we talked
6 about last time that you guys put me --I believe she -- that was you
7 that asked that read me my Miranda rights; correct?

8 A Yes, sir.

9 Q And I stayed in a car for over five hours before
10 transporting me down to CCDC; correct?

11 A I don't recall transporting you down to CCDC, sir.

12 Q Who would you say transported me, if it wasn't you or
13 Officer Blasko, when I was in the back of your squad car?

14 A I don't recall.

15 Q Okay.

16 THE DEFENDANT: Nothing further.

17 THE COURT: Mr. Rogan?

18 MR. ROGAN: Nothing.

19 THE COURT: Anything from our jurors? Nope.

20 Sir, thank you very much for your time.

21 THE WITNESS: Thank you.

22 THE COURT: I appreciate it. Thanks for coming back.

23 State may call their next witness.

24 MR. ROGAN: State calls Sergeant Landon Reyes.

25 LANDON REYES

1 [having been called as a witness and being first duly sworn, testified
2 as follows:]

3 THE CLERK: Thank you. Please be seated. And please
4 state and spell your name for the record.

5 THE WITNESS: Landon Reyes, L-A-N-D-O-N, R-E-Y-E-S.

6 THE COURT: All right. Thank you.

7 Mr. Rogan.

8 MR. ROGAN: Your Honor, before I proceed, the State is
9 moving to admit Proposed 72 and 73, I believe without objection.

10 THE COURT: Correct?

11 THE DEFENDANT: That's fine.

12 **[PLAINTIFF'S EXHIBIT NO. 72 AND 73 ADMITTED.]**

13 THE COURT: Okay. Thank you.

14 **DIRECT EXAMINATION**

15 BY MR. ROGAN:

16 Q Sergeant Reyes, thank you for coming back.

17 At some point on the evening of July 17th of 2015, did you
18 apply for and receive an authorization to search 3492 Pinon Peak
19 Drive?

20 A Yes.

21 Q How is that process -- how does that process go?

22 A Well, when I'm in the field as a police officer --

23 Q Yes.

24 A -- at the time, we developed -- well, we have to have
25 probable cause that a crime is connected with a person and that

1 person is also connected to the property or the dwelling that needs
2 to be searched. So it has to be a criminal nexus to the property
3 that's sought to be seized and the person, as well as, in this case, the
4 house.

5 I have to then call a district attorney to verify whether
6 probable cause exists or not. And then I have to make a phone call
7 to the judge. And as I make the phone call to the judge, we apply for
8 a telephonic search warrant.

9 Q Did you make that phone call to the judge that evening?

10 A Yes.

11 Q And what was it specifically that you were looking for
12 inside 3492 Pinon Peak?

13 A Firearms.

14 Q Did you receive authorization from the judge to search
15 3492 Pinon Peak for firearms?

16 A I did.

17 Q All right. Did you participate in the search of that house?

18 A Yes.

19 Q Showing you what has been marked and admitted as
20 State's Exhibit No. 8. If you could look to your left, please. Is this the
21 house that you searched on that evening?

22 A It was.

23 Q Specifically, with regard -- do you recall seeing what's
24 been depicted in State's Exhibit 10, the living room of the residence?

25 A Yes.

1 Q During the search did you or other officers lift up the
2 couch that's depicted in State's Exhibit 10?

3 A Yes.

4 Q And within that couch was any firearm discovered?

5 A Yes.

6 Q Showing you State's Exhibit 79. If you could, please point
7 to us where you see a firearm discovered inside that couch?

8 THE COURT: You can use the mouse, sir. Just left click,
9 and you can draw with it.

10 THE WITNESS: Thank you, sir.

11 MR. ROGAN: Oh, I'm sorry. I forgot. You weren't here
12 last time. Thank you.

13 BY MR. ROGAN:

14 Q Thanks very much, sir. You've -- for the record you have
15 circled an object that's within the front of the couch underneath,
16 towards where the springs are located; correct?

17 A Yes.

18 Q All right. And do you recall what kind of firearm that was?

19 A It was a small framed black handgun. I believe it was a
20 revolver .380.

21 Q Showing you State's Exhibit 81. I'm sorry. Is that the
22 handgun that was discovered?

23 A Correct.

24 Q Is that a revolver or semiautomatic?

25 A It is not. It is a semiauto.

1 Q All right. I'm showing you State's Exhibit 82. What is
2 depicted in State's Exhibit 82?

3 A The semiautomatic handgun with the slide lock engaged
4 and a magazine that belonged to the handgun.

5 Q Thank you. You mentioned that this was a .380. What
6 does that mean?

7 A That's the caliber of the handgun.

8 Q All right. I'm showing you State's Exhibit 85. I know that's
9 a bit blurry. I'm going to zoom in. What is depicted in State's
10 Exhibit 85?

11 A It's a headstamp to a bullet that classifies the caliber as
12 .380.

13 Q Thank you. Did you go into what was identified to you as
14 the defendant's bedroom?

15 A Yes.

16 Q Showing you State's Exhibit 13. Is this the room that was
17 identified to you as belonging to the defendant?

18 A Yes.

19 Q Okay. And is there a bedroom -- is there a closet in that
20 bedroom?

21 A Yes.

22 Q Showing you State's Exhibit 75. Is this a picture of that
23 closet?

24 A It is.

25 Q What did you find, if anything, inside that closet?

1 A We found a shotgun inside that closet.

2 Q Showing you State's Exhibit 74. Can you tell us what we
3 are looking at?

4 A Looking at a blue in color, I believe it was a pillowcase.
5 And then the handle buttstock of a shotgun.

6 Q Now, is this a picture of the shotgun inside a pillowcase,
7 located within -- inside the closet that we previously referenced?

8 A Yes.

9 Q Where specifically inside that closet did you find this
10 shotgun inside that pillowcase?

11 A When I walked into the closet, to the doorway, there is a
12 makeshift shelf above the doorway. So once you walk in from the
13 doorway, I had to turn around and visualize that shelf, and then I
14 located that firearm on there.

15 Q Okay. When you say visualize, do you mean turn around
16 and look at it?

17 A Yes.

18 Q Okay.

19 THE COURT: You are saying above your head?

20 THE WITNESS: It was above my head. It was not at eye
21 level.

22 THE COURT: Okay. All right.

23 BY MR. ROGAN:

24 Q All right. Did you have to use a stool or a chair of some
25 kind to reach up to see what was up there?

1 A Yes.

2 Q Okay. When you -- after you -- after this picture was taken,
3 did someone remove the shotgun from that pillowcase?

4 A Yes.

5 Q Showing you State's Exhibit 77. Is that that shotgun
6 removed from the pillowcase slightly?

7 A It is.

8 Q And then were photographs taken also of the shotgun
9 completely removed from that pillowcase?

10 A Yes.

11 Q Showing you State's Exhibit 78. Thank you. Can you tell
12 us what we see here?

13 A You are seeing the full shotgun and the pillowcase that it
14 was previously in.

15 Q Thank you. And then were there -- was there any
16 ammunition found in that pillowcase?

17 A Yes.

18 Q Do you remember the caliber of that ammunition?

19 A .380.

20 Q Showing you State's Exhibit 76. What are we seeing in
21 this exhibit, please?

22 A Loose ammunition of the .380 caliber that was inside the
23 pillowcase.

24 Q All right. Now, a shotgun, does -- that doesn't -- the
25 caliber that you -- the caliber bullets that you see in this exhibit, they

1 don't go into that shotgun; right?

2 A No.

3 Q Okay. Would they fit into the magazine of the handgun
4 that was found?

5 A Yes.

6 Q All right. Showing you State's 83. Is that the handgun,
7 again, with the bullets removed from the magazine?

8 A It is.

9 Q Okay. And finally just for the record, State's Exhibit 84.
10 What's depicted in this exhibit? Let me zoom in there is a glare on it.

11 A It is the serial number to the semiauto handgun.

12 Q And what was that serial number, for the record?

13 A M, as in Mary, U, as in union, 31277.

14 Q Thank you. During the course of your investigation that
15 evening, did you learn that the defendant was a convicted felon?

16 A I did.

17 Q Showing you --

18 MR. ROGAN: Well, court's indulgence.

19 I have nothing further, Your Honor.

20 THE COURT: Okay. Mr. Woods, any questions for this
21 gentleman?

22 THE DEFENDANT: Yeah. Okay. At this time I move to
23 admit previously marked Defense Exhibit's B, F, G, and H.

24 THE COURT: D as in?

25 MS. MURRAY: G.

1 THE DEFENDANT: No. B, as in boy; F, as in Frank; G, as in
2 girl; H, as in house.

3 THE COURT: Okay. State, have you seen those?

4 MR. ROGAN: No objection.

5 THE COURT: No objection. All right. Those will all four
6 be admitted.

7 **[DEFENDANT'S EXHIBIT NOS. B, F, G, AND H ADMITTED.]**

8 THE COURT: Thank you. You can publish as you wish,
9 Mr. Woods.

10 **CROSS-EXAMINATION**

11 BY THE DEFENDANT:

12 Q Okay. Mr. Reyes --

13 THE DEFENDANT: Oh, excuse me. Court's indulgence.

14 THE COURT: Okay.

15 BY THE DEFENDANT:

16 Q Mr. Reyes, what time did you get up -- did you get to the
17 scene that day?

18 A I can't recall at the moment.

19 Q You can't even -- even an approximation of the time you
20 got there?

21 A No, I cannot.

22 Q But you know for sure -- do you know if Officers Blasko
23 and Fulwiler got there before you?

24 A Yes.

25 Q Okay. How long after Blasko and Fulwiler did you get to

1 the scene, about?

2 A I don't know. I can't recall the time.

3 Q Okay. When did you learn that the defendant was a felon?

4 A Well, a timeframe to give you, I don't know when. But I
5 can tell you a process that we do.

6 Q No. How about an approximation to the time that you got
7 the warrant search -- that you called for the warrant search. Do you
8 remember what time the warrant search -- you called for the warrant
9 search?

10 A No, I do not.

11 Q Okay. Your report says 9:16. Does that sound familiar?

12 A Sure. If the report is accurately depicting a time frame.

13 Are you specifically speaking of the execution of the search
14 warrant or the application of the search warrant?

15 Q The application. When you called Judge Hafen, it was
16 9:16 --

17 A Okay.

18 Q -- according to your report.

19 A Okay.

20 Q Okay. Now, Blasko and Fulwiler -- well, I asked Fulwiler.

21 He said he got on the scene at 4:40. Both of them said
22 approximately 4:40.

23 Now, your warrant search, you didn't call in for the warrant
24 search at 9:16. And then that means after you called, they had to
25 actually do the warrant search. So that took about how long, could

1 you tell us?

2 A So you are saying from 4 p.m. in the afternoon until
3 9:00 at night?

4 Q No. You called at 9:16. So from 9:16, how long did the
5 warrant search actually take to you searched the house?

6 THE COURT: After he received the warrant approval from
7 the judge?

8 THE DEFENDANT: Yes.

9 THE COURT: How long does it take to go about searching
10 the residence?

11 THE DEFENDANT: To finish the warrant search.

12 THE COURT: Okay.

13 BY THE DEFENDANT:

14 Q From the time that the call made, until after the search is
15 done, about how long is that?

16 A I can't give you specific timeframe. There is so many
17 variables and elements that are happening when a warrant is
18 executed. So I want to try to narrow it down to what you are saying,
19 so --

20 Q I'm just saying that specific search, that specific night only.
21 You don't know when the search ended?

22 A I do not.

23 Q Okay. You -- I asked Fulwiler, since he pulled up at 4:40,
24 they got me out the car at 4:45. So I asked him why wasn't I -- he
25 told me -- he stated that I was still in the back of his car. So I asked

1 why was I in the back of his car for over five hours? Was that
2 standard police procedure? And he said no.

3 THE COURT: Mr. Woods, do you got a question for this
4 gentleman?

5 THE DEFENDANT: Yeah. I was going to ask him.

6 THE COURT: Well, we don't just recite everybody else's
7 testimony in the questions you ask. So if there is a specific question
8 you want to ask him, do that.

9 BY THE DEFENDANT:

10 Q Is that to you -- is that -- I'm going to ask you the same
11 question. Is that standard operating procedure to have a suspect in
12 the back of a car for over five hours?

13 A No.

14 Q Okay. Why did it take so long for you get to the scene,
15 where they said you came after they did, whatever time that is. Why
16 did it take so long for the warrant to be called at 9:16, if officers were
17 already on the scene no later than 5:00, 5:30?

18 A I don't -- I'm trying to understand what you're getting at.
19 So why did it take so long for me to get on the scene?

20 Q No. Why did it take so long for you to call the warrant? If
21 you knew what you were coming to search for guns, why did it take
22 so long to actually make the warrant call to the judge?

23 A Because when I first arrived at the other address, I didn't
24 know I was coming to search for guns.

25 Q What were you coming to search for?

1 A Well, nothing at that time. It was an ongoing
2 investigation.

3 Q So what you made you want to search for guns in the first
4 place, to even call for the search warrant?

5 A Because I had information that there were possibly
6 firearms inside of that residence.

7 Q Okay. Now, how did you identify the suspect?

8 A How did I identify yourself?

9 Q Yes.

10 A Well, I didn't do the identification. We had another
11 partner, which was Officer Fulwiler, that made the identification.

12 Q Okay. And you used Officer Fulwiler's identification to
13 base your report on?

14 A What report are you referring to?

15 Q I'm talking about his address, height, weight, social
16 security -- that sort of thing.

17 A Correct.

18 Q That's correct?

19 A Mm-hmm.

20 Q Okay. Well, Blasko and Fulwiler, on their reports, put 172
21 Montello Avenue. That was before you arrived. And since you use
22 their report --

23 THE DEFENDANT: I'm about to admit -- or submit Exhibit
24 B to the jury.

25 THE COURT: Okay. Why don't you turn it -- there you go.

1 Thank you.

2 BY THE DEFENDANT:

3 Q Now, that's the ID that was taken -- taken that day and
4 that's the ID that is still in possession to this day. As you can see, it's
5 still valid to this day, right, sir? Does that look familiar to you?

6 A Yes.

7 Q Okay. Now, your report says --on your field report, it
8 says, Transient. And then on your arrest report, it says Pinon Peak
9 Drive. I want to know if you were going by Blasko and Fulwiler's
10 identification and that ID, why didn't you put Montello Avenue as the
11 address of the suspect?

12 A I don't know what reports you are referring to specifically
13 to where this address was or was not documented.

14 Q This is State's Exhibit G, the temporary custody report.
15 Actually it shows when I was arrested, when I went to booking.

16 THE COURT: Hold on. Well, just ask questions, please.

17 THE DEFENDANT: Okay.

18 THE COURT: So if you want to show him that, you can do
19 that.

20 THE DEFENDANT: Okay.

21 THE COURT: You're going to have to zoom out because it
22 is all zoomed in right now.

23 THE DEFENDANT: How do you zoom out?

24 MS. MURRAY: I'm the worst at this.

25 THE DEFENDANT: I see zoom, but I don't -- okay.

1 THE COURT: Thank you, Julia.

2 [Pause in the proceedings.]

3 BY THE DEFENDANT:

4 Q Now, as you can see, you put Pinon Peak Drive?

5 A Okay.

6 Q Is this your report?

7 A Well, yes. I'm acknowledging that that's my report now,
8 yes.

9 Q Okay. Now, you put 9:30 as the time of the arrest.

10 9:16 was the time that you actually called Judge Hafen. So
11 that call -- when you called for a search warrant, you have to go
12 through this -- this is officer such and such, and I'm calling to get a
13 warrant on this. So that takes about, how long would you say,
14 five minutes or so?

15 A I can't have a specific answer to how long it takes.

16 Q Well, around about. I know each one is different, but I
17 know it don't -- it doesn't take, you know, like, a half hour to get a
18 warrant search.

19 A Well, I would argue that -- I would argue that the lack of
20 training and experience. You are saying that you don't know that it
21 does or does not take 30 minutes.

22 Q Okay. If you call, -and it was on your report at 9:16 -- you
23 then have to find the firearm before you make an arrest; correct?

24 A I have to find a firearm in order to make an arrest for an
25 applicable charge associated with that firearm, but not necessarily

1 just to make an arrest.

2 Q Well, you -- the arrest on here says for firearms; is that
3 correct?

4 A No, it is not. The top line says, Open and gross lewdness.

5 Q Okay. And then the two firearms are right behind it;
6 correct?

7 A Yes.

8 Q So when you called in to Judge Hafen, you weren't calling
9 about open and gross lewdness. Or you were calling about the
10 firearms; correct?

11 A Yes. In addition to why officers were on scene and the
12 reason we got called there.

13 Q But that's not in your report. You just was calling about
14 the guns at the house; correct?

15 A Yes.

16 Q Okay. Now, it said you called at 9:16. Even if that call took
17 five minutes or so, the time of arrest says 9:30. So all the time you
18 did search and seizers for houses for firearms or that type of deal,
19 have one ever took less than ten minutes?

20 A To do what?

21 Q To find the firearms, charge the person with the firearms,
22 and write the report by -- 9:16 -- 14 minutes to do the whole thing?

23 A You said has anyone, so I can't speak on anyone's behalf.

24 Q No. Have you --

25 A Are you talking about me?

1 Q Have you ever?

2 A Have I -- so let me make sure I understand your question.

3 Have I ever completed an arrest which was associated with a firearm

4 --

5 Q No.

6 A -- in under ten minutes?

7 Q No. Have you ever called for a search, did that whole call
8 for the search, the warrant, the charge, and the arrest in 14 minutes?

9 A No. You cannot get that done in 14 minutes.

10 Q Okay.

11 A Or less than ten minutes.

12 Q Okay. But that's what your report is stating. You did that
13 all in 14 minutes.

14 A I'm missing the correlation of the 14 minutes.

15 THE COURT: So just for the record to be clear, this is the
16 Temporary Custody Record. It is not a report.

17 THE DEFENDANT: This is his --

18 THE COURT: So I just want to make sure -- you keep
19 referring -- that we are referring to the same thing. You talked about
20 reports earlier. Are you still talking about just this custody record?

21 THE DEFENDANT: I'm talking about this custody report
22 then.

23 THE COURT: The booking sheet. Okay.

24 THE DEFENDANT: This custody report right here.

25 THE COURT: Okay.

1 BY THE DEFENDANT:

2 Q Okay. Now, in the same Temporary Custody report, it
3 says that the time of booking was the next day at 2:38 in the
4 morning -- 2:38 in the morning.

5 A Can you zoom out or -- because I can't see where you are
6 pointing to on my end. Where are you looking at? Oh, okay.

7 Q It's going to be right here. I'll zoom it out a little bit more
8 so everybody can see it.

9 A Okay. I see it.

10 Q Okay. Now, if you did that -- and according to your report
11 in 14 minutes -- you had the suspect arrested by 9:30, why didn't he
12 get to booking by 2:30 in the morning?

13 A Because that's not my stamp, and I don't make those
14 stamps.

15 Q That's the stamp that he -- at the time he got to booking,
16 so --

17 A That is not.

18 Q Okay. If -- did you ever come down to booking and talk to
19 the suspect?

20 A I don't remember if I did or not.

21 Q Did you talk to you suspect on the scene?

22 A Briefly.

23 Q At what time did you talk to the suspect on the scene?

24 A I can't give you a time.

25 Q Okay. Did you ever read the suspect his Miranda rights?

1 A No.

2 Q Did you transport the subject down to the CCDC?

3 A I don't know who the transporting officer was at the time.
4 And it says right on the TCR -- if you want to back it up and I'll show
5 you where it's -- if you want to just zoom back, I can show you.

6 Q Well, my whole thing is how are you the arresting officer
7 when you didn't speak to the suspect, but briefly, you said; you
8 didn't come talk to him down at the CCDC once he got there; you
9 didn't transport him to CCDC. That's -- for some reason you or
10 Officer Fulwiler or Blasko -- don't know who took the suspect down
11 there, but you know he sat in back of one of you guy's cars for five
12 hours.

13 How can that be when part of your job, the main part of
14 your job, is attention to detail?

15 THE COURT: Mr. Woods, just kind of focus in on the
16 question. We're getting -- you're going into lots of different things.

17 THE DEFENDANT: Okay.

18 THE COURT: Just what's the question?

19 BY THE DEFENDANT:

20 Q How can that be if a main part of your job is attention to
21 detail?

22 THE COURT: How can what be?

23 THE DEFENDANT: The answer that he don't know when
24 he got there. He don't know if he took me. He don't know if the
25 other officer took me.

1 THE COURT: All right. Well, that -- now you are just
2 arguing with him about, you know, why doesn't he know.

3 THE DEFENDANT: No. Just the --

4 THE COURT: No. A question that says, Why do you keep
5 answering, I don't know, how can that be? That's just argumentative
6 with the witness.

7 THE DEFENDANT: No. I was saying if attention to detail is
8 supposed to be a main part of the job --

9 THE COURT: Okay.

10 THE DEFENDANT: -- then why all the I don't know
11 answers. Is that fair?

12 THE COURT: Look, if you want to provide him with all the
13 reports to look at, and then ask those questions --

14 THE DEFENDANT: Okay.

15 THE COURT: -- I'm sure maybe that you can refresh his
16 memory or whatever.

17 THE DEFENDANT: Okay. If --

18 THE COURT: But I think your question as posed was
19 argumentative.

20 THE DEFENDANT: Okay.

21 BY THE DEFENDANT:

22 Q Officer Reyes, did these firearms come back with any DNA
23 for Leonard Woods?

24 A I don't know.

25 Q Did they come back with any fingerprints from Leonard

1 Woods?

2 A I do not know.

3 Q From what was given -- I don't know how I can make that
4 a question. But there was no fingerprints or DNA found in these
5 guns on that night, as far as you know; is that correct?

6 A Correct.

7 Q Okay. So if the address, the correct address taken off that
8 license -- driver's license, which is still valid to this day -- was 172
9 Montello Avenue -- there is no fingerprints; there is no DNA, that you
10 know of, referring to Leonard Woods for these guns, what makes
11 these guns charged -- or what is the charge -- how is the charge of
12 possession of a felon with a firearm contributed to --

13 THE COURT: So it's not for the witness to talk about the
14 charge or to talk about, you know, any argument to the jury about
15 whether you are appropriately charged or guilty or not guilty of
16 those charges. Okay?

17 THE DEFENDANT: Not how --

18 THE COURT: Look, the State makes a decision to charge
19 and we have a trial where the jury decides if there is evidence to
20 support that charge or not.

21 But asking this witness, you know, why there is a charge
22 against you and talking about how you view the evidence is
23 inappropriate.

24 THE DEFENDANT: Oh, okay. Okay.

25 BY THE DEFENDANT:

1 Q So you can charge someone with a firearm just because
2 someone says that's theirs, without having any proof that it's
3 actually theirs?

4 A You can't do that.

5 Q Okay. Well, isn't that what just happened?

6 A No, it is not.

7 Q Okay. If the guns -- well, they said the guns were found in
8 the room that was allegedly Leonard Woods'. But you said only one
9 gun was found in that room; correct?

10 A Well, it wasn't a room. It was your bedroom.

11 Q It's was --

12 A And one gun was found in your bedroom.

13 THE DEFENDANT: That's an objection. That's allegedly
14 my bedroom.

15 THE COURT: Allegedly your bedroom, yes.

16 BY THE DEFENDANT:

17 Q Okay. The other gun was found under the couch. What
18 part of the house was the couch in?

19 A I'm assuming you said what part of the couch was the
20 house --

21 Q What part of the house was the couch in?

22 THE COURT: Where was the couch?

23 THE WITNESS: Yes. It was in the living room.

24 THE COURT: Thank you.

25 BY THE DEFENDANT:

1 Q Okay. Who -- what was the -- when you ran the address,
2 what was the name associated with the address?

3 A I don't think I ran the address. I don't -- you're -- I need to
4 clarify because your understanding of running an address isn't just
5 running an address in --

6 Q Who was the lessee, the owner, or who was associated
7 with that address, that you know of?

8 A The defendant Leonard Woods.

9 Q Legally, paperwork. Was there any lease that you found,
10 rental agreement, or anything that says Leonard Woods lived in that
11 house, owned that house, or rented that house?

12 A Yes.

13 Q Was it supplied to the -- did you put that in evidence?

14 A Yes.

15 Q I mean, what do you have that says Leonard Woods
16 resided at that home?

17 A If I can remember correctly, there was a Southwest gas bill
18 that had your name on it with the address.

19 Q Okay. Let's get to the Southwest gas bill. And that is
20 Exhibit F.

21 That's the gas bill we are referring to; correct?

22 A Yes.

23 Q What address does it says on that gas bill?

24 A 172 Montello Avenue.

25 Q And you found the guns at 3492 Pinon Peak Drive; correct?

1 A Yes.

2 Q So I ask what did you have or found that says Leonard
3 Woods resided at all at that address?

4 A Well, just to clarify on the driver's license that you showed
5 me earlier, when looking to apply for a license or an identification
6 card --

7 Q What --

8 A -- you can check a mailing address or a physical address.
9 So there is potentially that you had a mailing address listed.

10 Q You just said that the gas bill was how you found that I
11 lived at that address. And we see right there that that's not the case.

12 So now what -- did you find, at all, any paperwork, rental
13 agreements, lease agreements, any evidence that you can show that
14 Leonard Woods resided at all at this address?

15 A The only documentation that I have is that Southwest gas
16 bill.

17 Q Which does not say 3492 Pinon Peak Drive?

18 A Correct.

19 Q Correct?

20 THE DEFENDANT: Thank you. Nothing further, Your
21 Honor.

22 THE COURT: The State.

23 MR. ROGAN: Thank you.

24 Mr. Woods, you can leave those there.

25 **REDIRECT EXAMINATION**

1 BY MR. ROGAN:

2 Q Thank you, Sergeant.

3 Showing you Defendant's Exhibit B. Licenses list the issue
4 date on them.

5 A They do.

6 Q All right. And do you see the issue date listed here on this
7 exhibit?

8 A I do.

9 Q Can you please use that mouse again to circle it for us?

10 MR. ROGAN: And for the record what was the issue date
11 of the license in Defendant's Exhibit B?

12 A February 5th, 2015.

13 Q Okay. Thank you very much. Now, the defendant asked
14 you on cross-examination what made you call for the search
15 warrant? Do you remember that question?

16 A Yes.

17 Q All right. And who gave you information that there may
18 be guns in that house?

19 A Josie.

20 Q What did Josie tell you specifically, if you recall?

21 A If I recall, she specifically told me that now that Leonard is
22 under arrest, I need to tell you that he has firearms inside of the
23 house.

24 Q Did he tell you -- did she tell you what kind of firearms
25 they were?

1 A Yes.

2 Q And did she tell you where the firearms would be located?

3 A Yes.

4 Q And did she tell you anything about that blue pillowcase?

5 A Yes.

6 Q Is that what led you to begin your investigation into the
7 possession of firearms by Mr. Woods?

8 A Yes.

9 Q Now, he asked you, Is it illegal for someone to possess
10 firearms? Do you remember that question?

11 A Yes.

12 Q Is it illegal for someone --

13 THE DEFENDANT: Objection.

14 MR. ROGAN: -- to possess firearms?

15 THE DEFENDANT: I never made that statement.

16 THE COURT: Well, overruled.

17 You can ask your question, Mr. Rogan.

18 BY MR. ROGAN:

19 Q Is it illegal for anyone to possess firearms?

20 A No.

21 Q Is it illegal for someone who is a felon to possess
22 firearms?

23 A Yes.

24 Q Is that, then, why you began your investigation, knowing --

25 THE DEFENDANT: Objection. He is leading the witness.

1 THE COURT: I'll sustain the objection as leading.

2 MR. ROGAN: All right.

3 THE COURT: You can rephrase it.

4 BY MR. ROGAN:

5 Q You had information from Josie about the possession of
6 firearms; correct?

7 A Yes.

8 Q Now, at some point in your investigation you also learned
9 that the defendant was a felon; correct?

10 A Yes.

11 Q And that is illegal; correct?

12 A Yes.

13 Q Okay. And that's what prompted you to call for the search
14 warrant; right?

15 A Yes.

16 Q Are search warrants -- when you make a telephonic search
17 warrant to a judge, are they recorded?

18 A Yes, they are.

19 Q And transcribed?

20 A Yes.

21 MR. ROGAN: Court's indulgence.

22 BY MR. ROGAN:

23 Q Have you had an opportunity to review the transcription of
24 your search warrant from that evening?

25 A I have not.

1 Q Do you usually put the time -- do you make a note of the
2 time in your conversation that you begin the call?

3 A Yes.

4 Q All right. Do you think that looking at a transcription of
5 your conversation that evening with Judge Hafen would remind you
6 of the time that you began speaking with him?

7 A Yes.

8 MR. ROGAN: Judge, I'll need the assistance of the
9 marshal.

10 THE COURT: JR, can you provide that for the witness,
11 please.

12 BY MR. ROGAN:

13 Q If you could please review the starting paragraph of page
14 1 of that deck laceration, sir. Read it to yourself, if you could.

15 A Okay.

16 Q Do you remember now when you called Judge Hafen?

17 A I do.

18 Q And what time was that?

19 A 2105 hours in military time.

20 Q What is it in regular people time?

21 A 9 p.m.

22 Q 9:05?

23 A Correction. 9:05 p.m.

24 Q Okay. So it wasn't 9:16?

25 A No, it was not.

1 Q Do you remember what time you concluded your
2 conversation with Judge Hafen?

3 A I do not.

4 Q Would looking at the last page of your report refresh your
5 recollection?

6 A Yes.

7 Q All right. Could you review that, please.

8 A Okay.

9 Q Do you remember now when you concluded your
10 conversation?

11 A Yes.

12 Q What time was that?

13 A 2116 hours, 9:16 p.m.

14 Q Okay. And, thereafter, did you conduct the search of the
15 residence?

16 A Yes.

17 Q All right. Now, with regard to this thing that was shown to
18 you as Defendant's Exhibit G.

19 MR. ROGAN: JR, I'm sorry. Can I have that back please?
20 Thank you.

21 BY MR. ROGAN:

22 Q This document that is entitled Temporary Custody Record.
23 What is a Temporary Custody Record?

24 A A Temporary Custody Record is a document that is used
25 by police officers to annotate applicable charges for someone they

1 are arresting.

2 Q And when do you fill that out?

3 A Could be various times. Sometimes officers do it in the
4 beginning of an arrest. Sometimes they will wait to transport the
5 arrestee to the Clark County Detention Center and continue to fill it
6 out then.

7 Q All right. Did you fill out this form?

8 A I did.

9 Q All right. Do you recognize your handwriting?

10 A Yes.

11 Q Okay. Down towards the middle where it says, Arresting
12 Officer's Signature. Is that your signature?

13 A Yes.

14 Q Okay. Could you please circle it using the mouse?

15 Is this Temporary Custody Record subsequently given to
16 the correction's officers of Clark County Detention Center?

17 A It is.

18 Q And do they use this to document things that they might
19 need to document?

20 A Yes.

21 Q So after you fill this out, are there -- is there information
22 on here that was not completed by you?

23 A Yes.

24 Q Can you generally tell us where it is on this document.

25 A This bottom portion below here -- if I can make a line -- is

1 typically an area that we, as police officers, do not fill out. However,
2 if there was a multiple-page document in a Temporary Custody
3 Record to where when are you are writing through it goes to the
4 other pages, and you can see some of my handwriting that might
5 here at none -- where it says Name of Nearest Relative, none.
6 Sometimes officers can fill it in, sometimes they can't. But I did not
7 fill in any other areas in that item besides the word none.

8 Q Okay. So everything below that portion of the document,
9 towards the bottom, I guess, quarter, name of nearest relative down
10 --

11 A Correct.

12 Q -- you did not fill out?

13 A Correct.

14 Q Okay. What about this number in the middle, 15F106. Is
15 that your handwriting?

16 A Where are you at?

17 Q In the center there. Case No. 15 -- I'm sorry.

18 A No.

19 Q Okay. The time stamp that's up at the top. Where it says
20 time of arrest.

21 A Um-hmm.

22 Q Did you fill that out?

23 A Yes.

24 Q All right. And were you accurate, to your memory today?

25 A Yes.

1 Q Okay. Thank you. Showing you State's Exhibit F -- I'm
2 sorry -- Defense Exhibit F. You indicated that you found the
3 Southwest gas bill in the name of Leonard Woods at the Pinon Peak
4 address; correct?

5 A Yes.

6 Q All right. Not at the Montello Avenue address; correct?

7 A Correct.

8 Q Did you ever go to Montello Avenue?

9 A I did not.

10 Q All right.

11 MR. ROGAN: Court's indulgence.

12 Nothing further, Your Honor.

13 THE COURT: Anything further, Mr. Woods?

14 THE DEFENDANT: Yes.

15 **RECROSS-EXAMINATION**

16 BY THE DEFENDANT:

17 Q If you never -- even though -- okay. Why would you not
18 go to the Montello address, if it was stated that on his driver's
19 license that's where he lived at?

20 A We didn't have any reason to go to that address at the
21 time.

22 Q Okay. Okay. Without going to the Montello Avenue
23 address, could you with a hundred percent surety say that
24 Mr. Woods did not live at 172 Montello Avenue?

25 A Without going there, no.

1 Q Okay. Did you actually do that search and [] seizure
2 before you made the warrant call?

3 A What search and seizure are you referring to?

4 Q Of the guns in the house at Pinon Peak. Did you actually
5 search the house before you made the call?

6 A No.

7 Q Okay. But you don't know how long you were there?

8 MR. ROGAN: Your Honor, this exceeds a scope of
9 redirect.

10 BY THE DEFENDANT:

11 Q On the -- on the scene?

12 THE COURT: I'll let him ask the question.

13 BY THE DEFENDANT:

14 Q You don't know how long you were there on the scene
15 before you made that call?

16 A I don't remember.

17 Q Okay. But you do recall that your officer saying that
18 Woods sat in the back of their car?

19 THE COURT: All right. Listen, that is the beyond the
20 scope of redirect examination. So revisit that elsewhere.

21 THE DEFENDANT: Okay. Nothing further.

22 THE COURT: Okay. Mr. Rogan, anything?

23 MR. ROGAN: No.

24 THE COURT: Anything from our jurors?

25 Yes, sir. JR, if you would please. Thank you.

1 Officer Reyes, do you recall, was the handgun, the .380
2 handgun, was that registered?

3 THE WITNESS: I believe it was.

4 THE COURT: Okay. Do you happen to recall who the
5 name was it was registered to?

6 THE WITNESS: I don't. I don't.

7 THE COURT: You don't? Okay.

8 State, any questions based on mine?

9 **FURTHER REDIRECT EXAMINATION**

10 BY MR. ROGAN:

11 Q Sergeant Reyes, would you have documented the
12 registered owner of that firearm?

13 A Yes.

14 Q Would reviewing the officer's -- I'm sorry -- the Incident
15 Crime Report from that evening refresh your memory as to whether
16 that was a registered firearm?

17 A Yes.

18 Q If you could please review page 3 of the Incident Crime
19 Report, the paragraph that's starred, toward the lower quarter of that
20 page, please.

21 A Okay.

22 MR. ROGAN: Okay. Court's indulgence.

23 BY MR. ROGAN:

24 Q According to the documentation you did that night, that
25 firearm was not registered to Leonard Woods; correct?

1 A Correct.

2 Q And as a -- would a convicted felon be able to register a
3 firearm in the State of Nevada?

4 A No.

5 Q All right. To your knowledge, did the registered owner
6 ever live at that Pinon Peak address?

7 A Not to my knowledge, no.

8 MR. ROGAN: Thank you. Nothing further.

9 THE COURT: Mr. Woods?

10 **FURTHER RECROSS-EXAMINATION**

11 BY THE DEFENDANT:

12 Q Were both firearms found on the defendant, suspect, me?
13 Was those firearms ever found on my person?

14 A No.

15 Q Were they found in the car that I was driving?

16 THE COURT: The questions have to be just related to the
17 jurors' question as to who was the firearm registered to.

18 THE DEFENDANT: Oh, okay.

19 THE COURT: That was the juror's question. So that's
20 what the follow up is --

21 THE DEFENDANT: Just on that question?

22 THE COURT: -- just on the registration issue.

23 THE DEFENDANT: Okay. Well, nothing further.

24 THE COURT: Okay. Mr. Rogan, anything further?

25 MR. ROGAN: No, Your Honor.

1 THE COURT: All right. Officer, thank you very much for
2 your time. I appreciate it. You are excused.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: State have any further witnesses?

5 MS. FLECK: No, Your Honor.

6 THE COURT: No. Okay. We are going to take a short
7 recess, ladies and gentlemen.

8 I'm trying to decide whether we are going to take our
9 lunch break right now, but give me a couple of minutes to talk to
10 everybody.

11 So during our recess, you are admonished not to talk or
12 converse among yourselves or with anyone else on any subject
13 connected with the trial, read, watch, or listen to any report or
14 commentary on the trial, by any medium of information, including,
15 without limitation, newspapers, television, Internet, or radio, or form
16 or express any opinion on any subject connected with the case until
17 it is finally submitted to you. No legal or factual research or
18 investigation on your own.

19 We will be on break.

20 [Outside the presence of the jury.]

21 THE COURT: Anybody have anything outside the
22 presence?

23 MS. FLECK: Not from State.

24 THE COURT: All right. Mr. Woods, do you recall the
25 conversation we had during the trial, once the State rests their case

1 in chief, without your opportunity to put on your case, including your
2 ability to testify if you want to?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you need me to go back through that
5 with you?

6 THE DEFENDANT: No.

7 THE COURT: Okay. Do you have any witnesses that you
8 intend on calling?

9 THE DEFENDANT: For the gun matter?

10 THE COURT: Yeah.

11 THE DEFENDANT: No.

12 THE COURT: No. Do you wish to testify yourself?

13 THE DEFENDANT: No.

14 THE COURT: Okay. All right. So then that being the case,
15 we'll go ahead and try and finish up this phase before we break for
16 lunch.

17 I just need to make copies of the instructions that we
18 settled yesterday. And then we'll get them back in here and we'll
19 have closing arguments.

20 MS. FLECK: And then, in terms of tomorrow, if we do go
21 into tomorrow morning, what time will we start?

22 THE COURT: We are going to start early. We are going to
23 start at, like, 9:00.

24 MS. FLECK: Okay. So is that your preference?

25 THE COURT: To what?

1 MS. FLECK: To do penalty in the morning at 9:00?
2 THE COURT: No, no, no, no. I want to go into penalty this
3 afternoon --
4 MS. FLECK: Okay.
5 THE COURT: -- if they have a verdict on this.
6 MS. FLECK: Okay.
7 THE COURT: It's just everything is depended --
8 MS. FLECK: Right.
9 THE COURT: -- upon how long they take to deliberate.
10 MS. FLECK: Okay.
11 THE COURT: Okay.
12 MS. FLECK: Because I can have Divina probably fly out
13 tomorrow afternoon, if we do go into tomorrow morning, was my
14 only thing.
15 THE COURT: Oh. Fly out, meaning go home?
16 MS. FLECK: Going home, yeah.
17 THE COURT: Yeah. That's fine.
18 MS. FLECK: Otherwise she is leaving early, early
19 tomorrow in the morning.
20 THE COURT: Okay.
21 [Recess taken from 12:47 p.m., until [#] p.m.]
22 THE COURT: Do lunch now. Because as I'm thinking
23 about it, since it's almost 1 o'clock, I don't want to argue and then
24 have them deliberating and not have them have a chance to eat.
25 MR. ROGAN: Okay.

1 THE COURT: So I'm going to send them to lunch now.
2 And then we'll start back at 1:45 and then we'll roll -- as I said, we'll
3 roll into as much stuff as we can get done today. Okay?

4 MR. ROGAN: Thank you.

5 THE COURT: All right. So why don't you just tell them to
6 go ahead and go to lunch. And I'll see them back as soon as they
7 can get back. We'll start at that time, about 1:45.

8 [Recess taken from 12:54 p.m., until 2:00 p.m.]

9 [In the presence of the jury.]

10 THE COURT: Okay. So we'll be back on the record.

11 Mr. Woods is present with Ms. Murray; State's attorneys
12 are present; all of our jurors are present.

13 Prior to taking our break, ladies and gentlemen, the State
14 had rested their case in chief.

15 Mr. Woods, my understanding was your intention was to
16 rest as well?

17 THE DEFENDANT: Yes. I'm ready to rest.

18 THE COURT: Okay. All right. So, ladies and gentlemen,
19 I'm going to instruct you now in terms of the jury instructions for this
20 phase of our trial.

21 There is an instruction in here, I believe, but I'll just tell
22 you as well. All of the instructions that you have received apply to
23 all of your deliberations. All of the evidence you receive applies to
24 all your deliberation as well. So some of these are duplicitous.
25 There are some that we repeat. And then there are some

1 instructions in here that are just specific to the charges that I read to
2 you earlier.

3 So these instructions are instructions to the jury .

4 Members of the jury, it is now my duty --

5 Instruction No. 1. I'm sorry. It is now my duty as Judge to
6 instruct you on the law that applies to this case. It is your duty as
7 jurors to follow these instructions and to apply the rules of law to the
8 facts as you find them from the evidence.

9 You must not be concerned with the wisdom of any rule of
10 law stated in these instructions. Regardless of any opinion you may
11 have as to what the law ought to be, it would be a violation of your
12 oath to base a verdict upon any other view of the law than that given
13 in the instructions of the Court.

14 Number 2: If in these instructions any rule, direction, or
15 idea is repeated or stated in different ways, no emphasis thereon is
16 intended by me and none might be inferred by you. For that reason
17 you are not to single out any certain sentence or any individual point
18 or instruction and ignore the others. But you are to consider all the
19 instructions as a whole and regard each in the light of all the others.
20 The order in which the instructions are given has no significance as
21 to their relative importance.

22 Number 3: An information is but a formal method of
23 accusing a person of a crime and is not of itself any evidence of his
24 guilt.

25 In this case it is charged, in a Second Amended

1 Information, that on or about the 17th day of July 2015, within the
2 County of Clark, State of Nevada, the defendant committed the
3 offense of ownership or possession of a firearm by prohibited
4 person, contrary to the form, force, and effects of statutes in such
5 cases made and provided, and against the peace and dignity of the
6 State of Nevada as follows:

7 Count 5: Ownership or possession of firearm by
8 prohibited person. Did on or about July 17th, 2015, willfully,
9 unlawfully, and feloniously own or have in his possession and/or
10 under his custody or control a firearm, to wit: A Mossberg 580
11 shotgun. The defendant being a convicted felon, having, in 1990,
12 been convicted of possession, narcotic controlled substance for sale,
13 in Case No. CR113964, in the Superior Court of California, County of
14 San Diego, a felony under the laws of the State of California; and/or
15 having, in 1992, been convicted of sale/furnish/marijuana/hash.
16 Possession of marijuana for sale and felon/addict, et cetera,
17 possession of firearm, in Case No. CR131746, in the Superior Court
18 of California, County of San Diego, a felony under the laws of the
19 State of California.

20 Count 6: Ownership of possession of firearm by
21 prohibited person. Did on or about July 17th, 2015, willfully,
22 unlawfully, and feloniously own or have in his possession and/or
23 under his custody or control a firearm, to wit: A Colt MK 4
24 semiautomatic handgun. The defendant being a convicted felon,
25 having, in 1990, been convicted of possession narcotic controlled

1 substance for sale, in Case No. CR113964, in the Superior Court of
2 California, County of San Diego, a felony under the laws of the State
3 of California; and/or having, in 1992, been convicted of sale/furnish/
4 marijuana/hash, possession of marijuana for sale, and felon/addict,
5 et cetera; possession of firearm in Case No. CR131746, in the
6 Superior Court of California, County of San Diego, a felony under the
7 laws of the State of California.

8 It is your duty -- it is the duty of the jury to apply the rules
9 of law contained in these instructions to the facts of the case and
10 determine whether or not the defendant is guilty of the offense
11 charged.

12 Each charge and the evidence pertaining to it should be
13 considered separately. The fact that you may find a defendant guilty
14 or not guilty as to one of the offenses charged should not control
15 your verdict as to any other defendant or offense charged.

16 Number 4: A person who has been convicted of a felony
17 in this or any other state or in any political subdivision thereof, or of
18 a felony in violation of the laws of the United States of America,
19 unless he has received a pardon and the pardon does not restrict his
20 right to bear arms, shall not own or have in his possession or under
21 his custody or control any firearm.

22 Neither the concealment of the firearm nor the carrying of
23 the weapon are necessary elements of the offense. Firearm includes
24 any firearm that is loaded or unloaded and operable or inoperable.

25 Number 5: You are instructed that a firearm includes any

1 device designed to be used as a weapon, from which a projectile
2 may be expelled through the barrel by the force of any explosion or
3 other form of conduction.

4 Number 6: The law recognizes two kinds of possession --
5 actual possession and a constructive possession. A person who
6 knowingly has direct physical control over a thing at a given time is
7 then in actual possession of it. A person who, although not in actual
8 possession, knowingly has both the power and the intention at any
9 given time to exercise dominion or control over a thing, either
10 directly or through another person or persons, is then in constructive
11 possession of it.

12 The law recognizes also that possession may be sole or
13 joint. If one person alone has actual or constructive possession of a
14 thing, possession is sole. If two or more persons share actual or
15 constructive possession of a thing, possession is joint.

16 You may find that the element of possession, as that term
17 is used in these instructions, is present if you find beyond a
18 reasonable doubt that a defendant had actual or constructive
19 possession, either alone or jointly with others.

20 An act or a failure to act is knowingly done if done
21 voluntarily and intentionally and not because of mistake or accident
22 or other innocent reason.

23 Number 7: Evidence that the defendant committed or may
24 have committed offenses other than that for which he is being
25 charged with in this case, if believed, was not received and may not

1 be considered by you to prove that he is a person of bad character or
2 to prove that he has a disposition to commit crimes. Such evidence
3 was received and may be considered by you only for the limited
4 purpose of proving or disproving the defendant's ability to legally
5 possess a firearm. You must weigh this evidence in the same
6 manner as you do all other evidence in the case.

7 Number 8: The defendant is presumed innocent unless
8 the contrary is proved beyond reasonable doubt. This presumption
9 places upon the State the burden of proving beyond a reasonable
10 doubt every element of the crime charged and that the defendant is
11 the person who committed the offense.

12 A reasonable doubt is one based on reason. It is not mere
13 possible doubt, but is such a doubt as would govern or control a
14 person in the more weighty affairs of life. If the minds of the jurors,
15 after the entire comparison and consideration of all the evidence, are
16 in such a condition that they can say they feel an abiding conviction
17 of the truth of the charge, there is not a reasonable doubt. Doubt to
18 be reasonable must be actual, not mere possibility or speculation. If
19 you have a reasonable doubt as to the guilt of the defendant, he is
20 entitled to a verdict of not guilty.

21 Number 9: It is a constitutional right of a defendant in a
22 criminal trial that he may not be compelled to testify. Thus, the
23 decision as to the whether he should testify is left to the defendant
24 on the advice and counsel of his attorney. You must not draw any
25 inference of guilt from the fact that he does not testify nor should

1 this fact be discussed by you or enter into your deliberations in any
2 way.

3 Number 10: In your deliberation, you may not discuss or
4 consider the subject of punishment as that is a matter which lies
5 solely with the Court. Your duty is confined to the determination of
6 whether the defendant is guilty or not guilty.

7 Number 11: All legal instructions by the Court in this case,
8 including these current instructions and those previously given,
9 constitute the law in this case and apply to your deliberations
10 regarding the instant charges.

11 Number 12: During the course of the trial, in your
12 deliberations, you are not to:

13 One, communicate with anyone in any way regarding this
14 case or its merits either by phone, text, Internet, or other means;

15 Two, read, watch, or listen to any news or media accounts
16 or commentary about the case;

17 Three, do any research such as consulting dictionaries,
18 using the Internet, or using reference materials;

19 And, four, make any investigation, test a theory of the
20 case, recreate any aspect of the case, or in any other way investigate
21 or learn about the case on your own.

22 13: When you retire to consider your verdict, you must
23 select one of your number to act as foreperson who will preside over
24 your deliberation and will be your spokesperson here in court.

25 During your deliberation, you will have all of the exhibits which were

1 admitted into evidence, these written instructions, and forms of
2 verdict which have been prepared for your convenience.

3 Your verdict must be unanimous. As soon as you have
4 agreed upon a verdict, have it signed and dated by your foreperson,
5 and then return with it to this room.

6 And, finally, No. 14: Now you'll listen to the arguments of
7 the counsel who will endeavor to aid you in reaching your proper
8 verdict by refreshing in your minds the evidence and by showing the
9 application thereof to the law.

10 But whatever counsel may say, you will bear in mind that
11 it is your duty to be governed in your deliberations by the evidence
12 as you understand it and remember it to be and by the law as given
13 to you in these instructions with the sole, fixed, and steadfast
14 purpose of doing equal and exact justice between the defendant and
15 the State of Nevada.

16 Similar to our earlier proceedings, you have a copy of the
17 verdict form attached to your instructions. Again, self-explanatory.
18 Just check one box underneath each of the two counts when you go
19 back to deliberate.

20 All right. Thank you for your time.

21 State.

22 MR. ROGAN: Thank you, Your Honor.

23 May I approach the Court?

24 THE COURT: Yeah.

25 **CLOSING ARGUMENT BY THE STATE**

1 MR. ROGAN: Ladies and gentlemen, all of the evidence
2 that you have received just in this short portion of the trial points to
3 one person being in possession of those firearms and that is, again,
4 Leonard Woods, a convicted felon.

5 Instruction No. 4 tells you that a person who has been
6 convicted of a felony cannot possess -- cannot own or have in his
7 possession or under his custody or control any firearm whatsoever.

8 These two exhibits were admitted today and weren't
9 shown to you but were admitted Exhibit 72. These are California
10 documents from a case there where the defendant was convicted, in
11 1992, of three different felonies. We know that they are felonies
12 because in one of these pages it documents that the defendant
13 pleaded guilty or no contest to a felony.

14 So feel free to look through all of these documents. But
15 they definitively show that he is a felon.

16 This as well, Exhibit 73, from 1990, a conviction for
17 possession of marijuana at that time, in the State of California, a
18 felony.

19 And, also, again, on the third page of this exhibit plea of
20 guilty or no contest to a felony.

21 So these exhibits definitively prove that the defendant is,
22 in fact, a convicted felon.

23 So did he possess or own any firearms on July 17th of
24 2015?

25 Well, you've heard three people testify about the

1 defendant and those firearms. You heard Divina testify that he
2 previously -- the defendant had previously talked to her about those
3 firearms and instructed her how to defend herself using a particular
4 firearm, and actually showed her and let her handle the .380 caliber
5 firearm that you saw a photograph of -- somewhere in here -- in
6 State's Exhibit 80.

7 She also had previously seen the shotgun that was
8 ultimately found by the detectives and, in fact, described for you that
9 the firearms were kept in that same blue pillowcase that the officers
10 ultimately found that shotgun inside of.

11 And you also heard from Officer Reyes that Josie Jones
12 when --after the defendant had been arrested for molesting Divina,
13 that's when she told officers of the existence of these firearms
14 because he was now in custody. So she felt free to tell them, look,
15 he's got some firearms in there and tells the officers they are in the
16 blue pillowcase; they are located in that bedroom closet -- where, in
17 fact, that shotgun, again, was located.

18 And, finally, of course, you had Officer Fulwiler who
19 testified that the defendant offered to him this piece of information --
20 that there may or not may not be a shotgun inside of my bedroom
21 closet. All of this testimony indicates, or should indicate to you, that
22 the defendant knew about those guns and was, in fact, the one who
23 possessed those firearms.

24 So let's talk a little bit about possession if we could. It is in
25 Instruction No. 6. I underlined the important portions for you of that

1 exhibit or instruction rather. There is two types of possession --
2 actual possession and constructive possession.

3 And, for example, right now you can see in my hand I
4 have actual possession of my cellphone. It's in my hand, on my
5 person. It's actually mine. But if I leave this cellphone over here on
6 the table and walk away, I'm exercising what's known as
7 constructive possession over it. I can tell Ms. Fleck, Can you grab
8 my cellphone for me, please? That's mine.

9 And just as you, when you came here this morning, you
10 left behind all of your personal possessions in your home or your
11 apartment. So your TV, for example, that's still in your possession,
12 despite the fact that you are here in court and your television is miles
13 and miles and miles away.

14 And the reason I bring that up is he doesn't need -- the
15 defendant didn't need to have a gun on his person. He didn't need
16 to have it with him at the time he was arrested. It didn't need to be
17 in that car. Under the law he's still in constructive possession of
18 those firearms, even if they are on top -- they are on a shelf inside
19 his bedroom closet, because constructive possession tells you that
20 even if it's not in your hands or in your direct control, you still have
21 possession of it if you have the power, intention, at any time to
22 exercise dominion and control over those firearms. And that's
23 certainly the case here, even though they weren't on his body at the
24 time that he was arrested.

25 I do want to point out for you one final thought or final few

1 thoughts. You learned that this .380 caliber firearm was discovered
2 inside the couch, stuffed away underneath the couch there. That's
3 not where anyone said it would be found. Everyone seemed to
4 indicate to the officers, or tell the officers, look, the .380 and the
5 shotgun were always kept in that pillowcase. But it's not in that
6 pillowcase.

7 But what we do know, that was also found in that
8 pillowcase, were the .380 caliber ammunition. So we know that at
9 some point -- or I suggest to you at some point -- that that firearm
10 was taken from that pillowcase and stuffed up underneath that
11 couch because we have the ammunition that belongs to that gun
12 right there found with that shotgun. They had been together at one
13 point. No longer were.

14 So I suggest to you that all of this evidence proves that the
15 defendant was in constructive possession of those firearms, despite
16 being a felon.

17 Now, there was evidence that at some point the defendant
18 lived at 172 Montello Avenue, and that's what's listed on his driver's
19 license, which is admitted as Defendant's Exhibit B.

20 But, as Sergeant Reyes pointed out, that license was
21 issued in February of 2015 while they were still living at Montello,
22 because Divina told you they moved later on in the spring, in May of
23 2015, from Montello to Pinon Peak.

24 And she also said, Look, we all moved to Pinon Peak,
25 including the defendant. And, in fact, the defendant had his own

1 bedroom there which we identified for you as Exhibit 13. Notice all
2 of the Raiders -- sorry. Let me zoom out. Notice again all of the
3 Raiders' paraphernalia in that bedroom, and remember, again, his
4 cellphone that was searched had Raiders as the backdrop on that
5 phone.

6 And it was in this bedroom, if you notice in this exhibit,
7 please take note of the television here and the toothbrush and
8 especially this lamp. If you look at Exhibit 75, you can still see that
9 same lamp.

10 In this closet was where those firearms were found -- that
11 the shotgun, at least, were -- was found with that semiautomatic .380
12 caliber ammunition. This was his bedroom and his bedroom alone --
13 not Divina's and not Josie's.

14 So I ask you, based upon all of this information, that you
15 find the defendant guilty of this offense, because he was living there,
16 because he could exercise dominion and control over those firearms,
17 and because he was a convicted felon.

18 Thank you very much.

19 THE COURT: Thank you.

20 Mr. Woods.

21 **CLOSING ARGUMENT BY THE DEFENSE**

22 THE DEFENDANT: Okay. What they keep failing to
23 mention is that Josie's son also lived there and that was his room.
24 Well, I understand the shotgun was in that room and why they keep
25 saying I said the shotgun was in my room -- that's never been in any

1 report. Someone said that. I guess they said that the police said that,
2 but the police report says different.

3 And I'm glad they showed these other charges from San
4 Diego, just for the simple fact that you see October 15th, 1990. And
5 what was the other one? July 7th, 1992.

6 I have not had a serious felony since then, especially
7 nothing concerning a firearm. That's 20-something plus years ago
8 without ever having anything this serious until this right now, of
9 course.

10 But they had to reach that far back to show you that I was
11 involved with anything of this magnitude, anywhere close.

12 Divina stated she never seen any of the guns before 2014.
13 And it was later shown that her and her mom found at least one of
14 the firearms when they stayed at the Budget Suites in 2013.

15 /RA*EUZ called for the warrant search that ended at 9:16
16 and the arrest was made at 9:30. He stated in 14 minutes he could
17 not have accomplished the full search, then arrest in that time. Well,
18 how did his?

19 If Reyes or no other officer went to the Montello address,
20 where did he or they get my utility bill? And why was I sitting on
21 that scene for so long? I've never had a gun in Nevada. All these
22 years I resided here, I have no gun charges whatsoever. I have never
23 tried to register a gun. A gun has never been found on my person or
24 associated with me in the 20-plus years since, dating back to San
25 Diego, and that was only once.

1 Divina said she never had been back to the Montello
2 address after they got their things. Reyes said he never been back to
3 the Montello address. He said he never even been to the Montello
4 address. With my utility bill and my driver's license showing 172
5 Montello, how am I being charged with guns? One, not even in a
6 room that was supposed to be mine but under the couch. Yes . That
7 I visited, but clearly did not live there.

8 Even the jailhouse girl they had there, that lived right next
9 door, said that she never before saw me there when Josie stated
10 there. Excuse me.

11 No fingerprints or DNA from these guns were ever found
12 on them that belong to me. Reyes said he didn't search the house
13 before he made the call which would have been a search and seizure
14 violation, but nobody wants to say why I sat in that car for five
15 hours, when all the officers testified that's not standard procedure.

16 Reyes said he found a utility bill which said the Pinon Peak
17 address showed that I stayed there, and we saw it clearly did not.

18 Reyes said he didn't Mirandize me. He didn't remember if
19 he transported me to the CCDC -- that's the county jail. But it states
20 on his report that he's the arresting officer. How, especially when
21 Blasko and Fulwiler cuffed me and Mirandized me, I don't know why
22 all of a sudden, they say that nobody knows who actually took me
23 down, but somebody made the arrest.

24 These firearm charges are just what they are. They are
25 firearm charges. I did not live in the house. I didn't control these

1 guns. These guns were never found on my person. They wasn't in
2 the car that I was driving. They never been seen or associated with
3 me.

4 The only time that ever -- anything ever came out with
5 these guns, when Divina said her and her mom found at least one of
6 those guns when they stayed at the Budget Suites.

7 I truly believe if they -- if these guns belonged to me -- and
8 it was said that I was threatening to kill them and burn the house --
9 I'm pretty sure that Josie, especially, would have did what she did
10 this time. She would have called the police, made the complaint,
11 and they would have made the arrest.

12 Thank you.

13 THE COURT: Ms. Fleck.

14 **CLOSING ARGUMENT BY THE STATE**

15 MS. FLECK: Thank you. Very, very briefly.

16 Ladies and gentlemen, the evidence that came out is that
17 the defendant is the person that was living in that room.

18 You never heard any evidence that Kenyatta was living,
19 even in Las Vegas, on July 17th. In fact, the evidence that came out
20 is that Kenyatta had already moved to Oklahoma.

21 That was defendant's room. Those were defendant's
22 belongings.

23 When he was released from custody, the first place that he
24 went was to Pinon Peak. You heard that testimony from Dorie. She
25 saw the defendant. He came over to that house because that was

1 the last place that he lived. He then looked through all of the
2 belongings that were left there because those were his belongings.

3 She even talked about what was in the belongings -- the
4 Raiders gear and all of the other clothes that belonged to the
5 defendant. Officer Reyes -- at the time Officer Reyes, now Sergeant
6 Reyes, found that utility bill at Pinon Peak in the room.

7 So who cares about the fact that that other address is on
8 his driver's license or that that other address has been associated
9 with him? People live with the wrong address, or not their current
10 address, on their driver's license for years. Yes, you are supposed to
11 get it updated immediately, but that certainly isn't indicative of
12 where he's actually living. Where he's living is where Divina said
13 that he was living, which was Pinon Peak; where the evidence shows
14 that he was living.

15 Additionally, where was he found when the officers went
16 to look for him to arrest him for the open and gross? It wasn't at this
17 Montello address. It was exactly where we knew we would find him
18 at his house on Pinon Peak.

19 THE DEFENDANT: Objection.

20 MS. FLECK: So --

21 THE COURT: As to?

22 THE DEFENDANT: Where I was found. I wasn't found at
23 Pinon Peak. They stopped me in traffic.

24 THE COURT: Well, overruled. I mean, it's argument about
25 what the vicinity of the residence.

1 MS. FLECK: He was found outside Pinon Peak. I mean, he
2 was getting into the car, but it was near Pinon Peak. It certainly had
3 nothing to do with this Montello address.

4 Those two firearms were exactly where Josie said that
5 they would be and exactly where Divina said that she had seen them
6 in the past, and they were the exact type of firearms also.

7 The defendant was in constructive possession of this
8 property. He's an ex-felon. Thereby he is guilty of both counts of
9 ownership of the firearm by an ex-felon.

10 And we would ask that you find him as such.

11 THE COURT: Thank you.

12 We will have our oaths applied to our officers to take
13 charge of our jury -- the same oath that they swore yesterday. So --

14 A JUROR: I have a question.

15 THE COURT: You have a question for whom?

16 A JUROR: You.

17 THE COURT: Well, questions are just for witnesses. You
18 can't just pose a question to the court or anything. Okay?

19 A JUROR: Okay. Okay.

20 THE COURT: So you all are going to gather up your
21 belongings. We'll get the verdict forms and the exhibits back to you
22 all so you can start your deliberations. Okay?

23 Thank you very much.

24 You can go ahead, JR.

25 [The jury retired to deliberate at 2:29 p.m.]

1 THE COURT: Bring JR back in here. I forgot.
2 You guys can be seated.
3 JR wasn't the marshal yesterday. I swore in Dean, not JR.
4 I don't have to swear them in again. But since he wasn't here, I do
5 need to swear him in.
6 THE CLERK: Do you need the jurors in too?
7 THE COURT: Nope. Just JR.
8 THE CLERK: Just you.
9 THE COURT: I forgot you weren't here yesterday. It was
10 Dean that we swore in.
11 So let me get you sworn in -- and we'll still be on the
12 record -- to take charge of the jurors.
13 [The Clerk swore in the officer to take charge of the jury during
14 deliberations.]
15 THE COURT: Thank you. Okay. Now we'll be in recess.
16 Did you guys have a chance to look at the instructions, the proposed
17 penalty phase instructions?
18 MS. FLECK: Yes.
19 THE DEFENDANT: Yes.
20 THE COURT: State, do you have any objection to any of
21 them?
22 MS. FLECK: I do not.
23 THE COURT: Mr. Woods, did you have any objection to
24 any of them?
25 THE DEFENDANT: No, sir.

1 THE COURT: All right. Does either side have any others
2 that they wanted to offer?

3 MS. FLECK: Nothing form the State.

4 THE COURT: Mr. Woods? No? Okay. So we'll go ahead
5 and number these for the record, as well.

6 Number 1 will be, It is now my duty as judge.

7 Number 2, If in these instructions.

8 Number 3, The jury shall fix the punishment.

9 Number 4, A prison term of 50 years.

10 Number 5, In the penalty hearing.

11 Number 6, A reasonable doubt is.

12 Number 7, The jury is instructed that.

13 Number 8, In your deliberation.

14 Number 9, The credibility or believability.

15 Number 10, Although you are to consider only the
16 evidence.

17 Number 11, During your deliberations.

18 And then Number 12, Now you'll listen to the arguments
19 of counsel.

20 State, you guys have a copy of the verdict form as well.

21 MS. FLECK: Yes, Your Honor.

22 THE COURT: Any objection to that?

23 MS. FLECK: No, Your Honor.

24 THE COURT: Mr. Woods, you all have a copy of the
25 verdict form as well?

1 THE DEFENDANT: Yes.

2 THE COURT: Any objection to that?

3 THE DEFENDANT: No.

4 THE COURT: Okay. All right. Then we will be in recess.
5 I'll let you know when -- are you guys just going to stick around right
6 now?

7 MR. ROGAN: Yes.

8 THE COURT: Okay.

9 [Recess taken from 2:32 p.m., until 3:27 p.m.]

10 THE COURT: Okay. Thank you. You all can be seated.

11 We'll be back on the record, 309820. Mr. Woods is here;
12 Ms. Murray; State's attorneys; jurors are all present.

13 So, ladies and gentlemen, do I understand that you've
14 reached a verdict on the remaining two counts? Yes, ma'am?

15 THE FOREPERSON: Yes, sir.

16 THE COURT: Okay. Could you go ahead and submit the
17 form to my marshal? Thank you.

18 We are going to have the clerk read the verdict into the
19 minutes of the Court.

20 THE CLERK: District Court -- excuse me -- Clark County,
21 Nevada. The State of Nevada, Plaintiff, versus Leonard Ray Woods,
22 Defendant, Case No. C-15-309820-1, Department No. 3.

23 The verdict: We, the jury in the above-entitled case, find
24 the defendant Leonard Ray Woods as follows:

25 Count 5: Ownership or possession of a firearm by

1 prohibited person. Guilty of possession of firearm by an ex-felon.

2 Count 6: Ownership or possession of a firearm by a
3 prohibited person. Guilty of possession of firearm by ex-felon.

4 Dated this 26th day of March 2019. Faith Wesley,
5 foreperson.

6 Ladies and gentlemen of the jury, are these your verdicts
7 as read, so say you one, so say you all?

8 THE JURORS: Yes.

9 THE COURT: Either side wish to have the jury polled?

10 MS. FLECK: Not the State. Thank you.

11 THE DEFENDANT: No.

12 THE COURT: No?

13 Okay. Ladies and gentlemen, thank you very much.

14 At this point we are going to go ahead and proceed to the
15 next phase of our trial which is what's referred to as the penalty or
16 punishment phase.

17 As you know, during your earlier deliberations, you
18 convicted Mr. Woods of the charge of first-degree murder which,
19 therefore, requires the jury to decide on the punishment that will be
20 put down for that.

21 As we talked about during the jury selection process, there
22 is three options that are available to you. The first option is a
23 50-year sentence, with a minimum 20 years before parole eligibility;
24 then a life sentence with a minimum 20 years before parole
25 eligibility; or life in the Nevada Department of Prisons without the

1 possibility of parole.

2 A penalty phase is similar to what we have done in these
3 last two phases. It's like a trial.

4 Parties have the opportunity to make an opening
5 statement. They then have the opportunity to present certain
6 evidence in a case. And then, thereafter, there are some instructions
7 I'll give you. And then we'll have closing arguments as well.

8 One of the things that I'll point out to you that is different
9 about a penalty phase versus the trial phases of a case are that
10 hearsay is admissible in a penalty phase.

11 So that is sometimes people talking about what other
12 people said. So the rules of evidence are just a little different in a
13 penalty phase, and we'll talk about that in the jury instructions as
14 well.

15 But I just wanted to alert you to that, to the extent that you
16 are hearing people make those comments and you're hearing
17 objections earlier. It's just a little different now.

18 Other than that, though, it is kind of the same things that I
19 provided you with before we started the trial, which is that kind of
20 chronology about cases in chief, which side goes first, all that other
21 stuff still applies.

22 So I will first ask the State if you wish to make an opening
23 statement.

24 MS. FLECK: Very briefly.

25 THE COURT: Okay.

1 MS. FLECK: Thank you.

2 **OPENING STATEMENT BY THE STATE**

3 MS. FLECK: Good afternoon, ladies and gentlemen.

4 So you have now rendered a verdict of first-degree murder
5 against the defendant Leonard Woods, and you will now have the
6 unique opportunity to sentence him.

7 As you may remember from jury selection, you will have
8 three options when you go back to deliberate and come to your
9 ultimate determination -- and those are a term of years which is
10 20 years to 50 years in the Nevada Department of Corrections; a term
11 of life with the ability to be paroled at 20 years; or the ultimate
12 punishment for this case which would be life without the possibility
13 of parole.

14 You will be able to hear today from two different people.
15 You will hear again from Divina. And she will talk to you about the
16 effect that this murder has had on her life; and you will also hear
17 from Josie Jones' sister, Carree Anderson, and she will talk to you
18 also about the effect that that has had on her and her family.

19 You will then be able to come to the ultimate
20 determination based upon not only the depravity of the actual
21 murder itself and the nature of the crime itself, but also on the loss
22 of life of Josie, on the loss of a mother for both Kenyatta and for
23 Divina, and for the loss of a sister for Carree Anderson.

24 Thank you.

25 THE COURT: Thank you.

1 Mr. Woods, do you wish to make any opening statement?

2 **OPENING STATEMENT BY THE DEFENDANT**

3 THE DEFENDANT: I know the loss of life is a -- I mean,
4 horrible doesn't even do it justice.

5 I know the decision that you about to make is, I mean, the
6 ultimate one, having just only -- I mean, I want to ask for a certain
7 verdict. And I think about both sides, and the loss tremendously for
8 -- tremendously for Kenyatta and Divina, and for my family and
9 children as well.

10 So whatever decision you make I respect that
11 wholeheartedly because I know it is not easy. So please if you can --
12 I mean, I came -- what I want to for, I mean, a life was taken. So to
13 even ask, as a 50-year-old man, for 20 to 50 is still pretty much a life
14 sentence. But I would like to see grandchildren if I could see them.

15 THE COURT: All right. Thank you.

16 The State may call their first witness.

17 MS. FLECK: Thank you. The State calls Carree Anderson.

18 THE COURT: So we are going to take a break while we get
19 your note pads. I apologize. I didn't realize they even left them in
20 the room. You can go ahead, JR.

21 You can go ahead and come right up, if you would please,
22 ma'am. Yeah, to the witness stand.

23 JACQUELINE CARREE ANDERSON

24 [having been called as a witness and being first duly sworn, testified
25 as follows:]

1 THE CLERK: Thank you. Please be seated. And please
2 state and spell your name for the record.

3 THE WITNESS: Jacqueline Carree Anderson.
4 J-A-C-Q-U-E-L-I-N-E; middle name, Carree, C-A-R-R-E-E; Anderson,
5 A-N-D-E-R-S-O-N. And I go by Carree.

6 THE COURT: Okay. Thank you, Ms. Anderson.

7 We are going at ease for just a second while we are
8 getting the jury their note pads and then we will continue on with the
9 questioning. Okay?

10 THE WITNESS: Okay.

11 THE COURT: Thank you.

12 MS. FLECK: Your Honor, just as housekeeping, I believe
13 that by stipulation State's Proposed 86 through 93 will be admitted.

14 THE COURT: Correct? Those exhibits. Yes?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. 86 through 93 will be admitted.

17 **[PLAINTIFF'S EXHIBIT NO. 86 THROUGH 93 ADMITTED.]**

18 MS. FLECK: Permission to publish.

19 THE COURT: You can publish if you need to and then
20 we'll get started.

21 MS. FLECK: Thank you.

22 THE COURT: All right. Folks, my apologies.

23 All right. We will get started with Ms. Anderson's
24 testimony.

25 Ms. Fleck.

1 MS. FLECK: Thank you, Your Honor.

2 **DIRECT EXAMINATION**

3 BY MS. FLECK:

4 Q Good afternoon. Ms. Anderson, do you know a woman by
5 the name of Josie Jones?

6 A I do.

7 Q And how do you know Ms. Jones?

8 A Josie is my sister.

9 Q And was there a bit of an age difference between you and
10 Josie?

11 A I'm 13 years older than Josie.

12 Q Okay. Going back then to 2015, where were you living at
13 that time?

14 A In San Diego.

15 Q And is that where you and Josie are from?

16 A Yes.

17 Q And where was she living?

18 A She was living in Las Vegas.

19 Q Did the two of you see each other often?

20 A We did in her younger years. When she moved here, we
21 didn't get to see each other as often.

22 Q Okay. How about your extended family? Do you and
23 Josie share the same mom and dad?

24 A We do.

25 Q And are they still with us?

1 A No.

2 Q And tell us about that.

3 A We lost my mom and my dad within 10 months of each
4 other about 10 years ago.

5 Q Okay. How about any other siblings?

6 A We -- Josie and I had a brother between us who passed
7 away when he was 26, of diabetes. So I'm the only person in our
8 immediate family left.

9 Q Okay. But when you grew up, even though Josie was
10 quite a bit younger than you, the two of you were living in the same
11 city and had a close relationship at that time?

12 A Oh, yeah. Yeah.

13 Q Showing you State's proposed -- or, I'm sorry -- State's
14 Exhibit 88. Who do we see here?

15 A That's Josie and my -- our brother Casey.

16 Q That was Casey?

17 A Yeah. And that was Josie's third birthday.

18 Q Okay. And so how old would Casey have been when
19 Josie was 3?

20 A Casey was 7 years older, so he was 10ish. Yeah.

21 Q Showing you State's Exhibit 89. Who do we see here?

22 A That's Josie.

23 Q And about how old was she in this photo?

24 A I want to say probably kindergarten, first grade. She was
25 teeny. Never weighed over a hundred pounds in her life.

1 Q Showing you State's Exhibit 90. How old is she here?

2 A Probably, like, second grade, I'm guessing.

3 Q And State's Exhibit 91. Tell us about this photo.

4 A That's the three of us at Disneyland.

5 Q How old was she at that time?

6 A I think she was about 7 there, and I was about -- I was
7 maybe 20.

8 Q Now, showing you State's Exhibit 92.

9 A That's my favorite picture.

10 Q And where is this?

11 A That was at my wedding, 15 years ago.

12 Q And State's Exhibit 93.

13 A That was also my wedding.

14 Q Okay. Tell us a little bit about Josie as you knew her.

15 What was her personality like? What was she like?

16 A She was so giving and trustworthy and kind and just
17 innocent in such a way that it just made you -- I was almost jealous
18 of her, like, childhood innocence, and how she just was -- had such
19 good heart and believed in everybody.

20 Q Okay.

21 A And wanted to please.

22 Q And when you say innocence, are you referring to her
23 personality, like her spirit kind of was --

24 A Mm-hmm. Yeah.

25 Q -- was a light-hearted spirit?

1 A Yeah. Yeah.

2 Q Okay. Where were you in August of 2015 when you
3 learned of her passing?

4 A I was at work.

5 Q Okay. Tell us about that.

6 A I had just returned from a vacation. And it was back my
7 first day at work. And I had gotten a call from Josie on vacation
8 telling me that she was in trouble and that she needed to get away,
9 and she needed help. And so I called my oldest daughter and she
10 wired Josie some money. And then we returned.

11 And I saw a missed call from Las Vegas. And I thought,
12 well, I'll get to work and I'll call her and see how she was.

13 And I got to work. And I was going about my day and all
14 of a sudden, my husband John showed up in the window and told
15 me he had gotten a call from the coroner's office and told me what
16 had happened. And that was that.

17 Q Did you have a relationship with Josie's children?

18 A Yes.

19 Q And what are their names?

20 A Divina and Kenyatta.

21 Q And how old was Kenyatta at the time of her passing?

22 A So Divina was -- he, like, 12 or 13.

23 Q Okay. And Divina was how old?

24 A She was 15.

25 Q What, if anything, did you do then with Divina after your

1 sister had died?

2 A We took her in to live with us, my husband and I.

3 Q How long did she live you?

4 A She lived with us for almost a year.

5 Q Kind of describe that year between the two of you and
6 your family.

7 A Well, we have four adult grown children who -- and we all
8 just made the decision, hands down, that we were going to have her
9 come live with us. And this was just what was happening. And so
10 we opened our home and opened arms. And my older girls, you
11 know, loved her. And everyone just welcomed her to the family.

12 She was incredibly depressed. She was distraught. She --
13 the court system here was really good with -- we insisted that she
14 get trauma counseling. So she and I went to trauma counseling
15 once a year -- I mean, I'm sorry -- once a week for almost a year.

16 And she just spent most of the time that she wasn't in
17 school in her room, and just as hard as we tried and everything we
18 tried, she wasn't coming out of it. She wasn't happy. She was just
19 devastated. And one day --

20 Q Did you fear at times throughout that year for her safety?

21 A I worried -- she talked about taking her own life. And I
22 worried a lot that I would walk in that bedroom and not find her
23 alive.

24 Q Fair to say that in the years leading up to Josie's murder,
25 you didn't see Divina often? Like, you knew each other --

1 A No. No.

2 Q -- but you didn't have a super close relationship?

3 A No. No. I had a hard time supporting the decision that
4 Josie had made to be with this -- be with the defendant -- that he
5 manipulated her; he took her money. He kept her hostage in her life.
6 And I could -- I -- and she reached out to the whole family and the
7 whole family helped her. And to a point where I just -- it was hurting
8 me so badly to see this go on, I just -- I couldn't. I had to
9 disassociate myself for a little while.

10 Q So because of that, would you agree that by the time
11 Josie passed, you and Divina knew each other and had a
12 relationship, but you weren't super-bonded, so to speak?

13 A We hadn't seen each other in a couple years, no.

14 Q Okay. Would you agree then that that transition for Divina
15 was especially difficult, not being already, if somewhat --

16 A Oh, for sure.

17 Q -- integrated in your family?

18 A Oh, for sure. Oh, she had a hard time getting in the car
19 when we picked her up to come to San Diego. She was just, you
20 know, in a fog.

21 Q And then ultimately, did that living situation not seem to
22 work out for --

23 A She missed her friends in Las Vegas so badly. And, you
24 know, the year that she lived with us was her junior year, and so she
25 had some good friends here in Las Vegas that we arranged for her to

1 be able to come back and do her senior year here, so she could try to
2 find some happiness and some joy. And that's what she did that --
3 her senior year of high school.

4 Q Okay.

5 A And you know, I kept in contact with her and the mom.
6 And they were great people. And --

7 Q When you say the mom, she ultimately moved even out of
8 Nevada; is that correct? Or are you talking about the family that she
9 lived with here?

10 A No. The family she lived with --

11 Q Okay.

12 A -- until she graduated high school . Yeah.

13 Q Got it. Okay. Ms. Anderson, tell the ladies and gentlemen
14 of the jury the effect that this loss has had on you and your family.

15 A Well, like I said, our -- my children, my four grown children
16 and my five grandchildren, she was a part of our lives, my husband's
17 life. All of our, you know, extended family. And it's just -- it's
18 unimaginable that something like this would happen to someone in
19 your family. And we have all had really a hard time understanding
20 how and why this could happen.

21 Q Okay. Did you bring something today that you wanted to
22 read?

23 A I did.

24 MS. FLECK: Your Honor, she has written her thoughts
25 down. I haven't had a chance to read through them entirely, but I --

1 she understands that -- what the purpose of today's hearing is.

2 THE COURT: Okay. You can go ahead, Ms. Anderson.

3 THE WITNESS: Thank you. I'm here today to represent
4 the shining soul of my little sister Josie Kate Jones.

5 Josie was born 45 years ago today. Happy birthday,
6 Josie. Birthday wishes have never been more real than they are
7 right now.

8 My little sister was a third child to our parents Tom and
9 Jackie Jones. I was 13 when Josie was born. She was the cutest
10 baby with a blonde curl on top of her head, brown eyes, and a giant
11 smile.

12 We had a unique relationship since I was much older. I
13 watched Josie grow up from a different perspective than a typical
14 sibling relationship. I felt at times like a second mom, worrying
15 about her and encouraging her through her life.

16 We grew up in a very loving, colorful, and creative home.
17 Our mom taught art. And many days we were immersed in paint
18 and clay and all sorts of projects. Those were so many happy
19 memories.

20 Josie was kind and giving and trustworthy. Trustworthy
21 was her biggest asset and her childlike innocence, like I mentioned
22 before.

23 Over the years Josie's interests focused on the care and
24 well-being of animals, always trying to bring in a stray cat or another
25 dog. She later become a veterinary assistant and was so loved by

1 her clients. The outpouring of love from those clients was so
2 inspirational at the time of her passing. I -- it was -- I have never
3 seen anything like it.

4 After finding her dream job, Josie became pregnant with
5 her only daughter, Divina, and then her son, Kenyatta. Motherhood
6 was Josie's greatest joy and accomplishment. She glowed when
7 she spoke of her children. Single motherhood brought many
8 struggles that Josie valiantly fought to overcome, always with the
9 well-being of her children first and foremost.

10 With her continued positive attitude and trustworthy soul,
11 Josie fought many battles to give her children the best life
12 imaginable. Despite their inconceivable loss, I know Divina and
13 Kenyatta will carry on their mother's goodwill and positive spirit.

14 Our family prays for those two children to begin to heal
15 and live the lives that Josie would be proud of. Josie will forever be
16 missed by our family --my four children, five grandchildren --three
17 of which share her middle name -- and my two youngest children
18 who never had the opportunity to meet her.

19 I'm asking today, on my sister's behalf, to please consider
20 the lives, health, and well-being of Josie's children and to never let
21 the defendant live another moment of freedom again.

22 Thank you.

23 THE COURT: Did you have any other questions?

24 MS. FLECK: Nothing further. Thank you.

25 THE COURT: Any questions from the defense? Any

1 questions from the defense?

2 THE DEFENDANT: No.

3 THE COURT: No?

4 All right. Ms. Anderson, thank you very much for your
5 time.

6 THE WITNESS: Thank you.

7 THE COURT: I appreciate you coming today.

8 State may call their next witness.

9 MS. FLECK: Thank you. Divina Leal.

10 DIVINA LEAL

11 [having been called as a witness and being first duly sworn, testified
12 as follows:]

13 THE CLERK: Thank you. Please be seated. And please
14 state and spell your name for the record.

15 THE WITNESS: Divina Leal. D-I- --

16 THE COURT: You don't have to spell it.

17 THE WITNESS: Divina Leal.

18 THE COURT: Third time. It's okay.

19 MS. FLECK: You're Divina?

20 THE WITNESS: Yeah.

21 THE COURT: All right. Honey, thank you for coming back.
22 Ms. Fleck.

23 MS. FLECK: Thank you.

24 **DIRECT EXAMINATION**

25 BY MS. FLECK:

1 Q Hi. Divina, I want to talk today about your mom Josie.

2 A Okay.

3 Q Going back to July 17th of 2017 -- I'm sorry -- of 2015, tell
4 us -- you were living here; is that correct?

5 A Mm-hmm.

6 Q And where was your little brother Kenyatta living?

7 A My little brother had just moved to Oklahoma, shortly after
8 we moved to the Pinon Peak address.

9 Q Okay. And who was Kenyatta living with?

10 A My father, Anthony Leal.

11 Q Okay. When you and Kenyatta were little kids, did you live
12 with your mom and your dad?

13 A When we were, like, toddlers we did. But they separated.
14 So I was mainly with my mom. And then we lived with my mom
15 and Leonard for a while, I think, until I was about 7. And then that's
16 when we moved to live with my dad. And then after that, we would
17 occasionally go weekends and stuff and go visit them.

18 Q Okay. So for a number of years, you and Kenyatta would
19 go together, back and forth, between your mom Josie and your dad
20 Anthony; is that right?

21 A Always together.

22 Q Always together. What year was it that -- well, let me ask
23 you this. Do you ever -- do have any recollection of your mom Jose
24 and your dad Anthony ever living together or being married?

25 A No.

1 Q Okay. So by the time you kind of realized what's going on,
2 they are already separated?

3 A Yes.

4 Q But you maintained a relationship with both?

5 A Yes.

6 Q And did your mom and dad -- they had custody issues, fair
7 to say?

8 A Yes.

9 Q But did they do their best to kind of coparent?

10 A Yes.

11 Q When was it then that you and Kenyatta decided to live in
12 separate places, such that you were here with your mom, and he
13 was with your dad?

14 A I was just -- I was about 13. I'd say I was halfway done
15 with my 8th grade -- or I was about 12. I was halfway done with my
16 8th grade year.

17 I was just having difficulties living with my dad. He was
18 going through a separation from his fiancée, and it was kind of
19 taking a toll on him which was radiating to me.

20 And at that point I just really couldn't take it anymore. I
21 wasn't happy. You know, and at 12 years old, you know, you
22 shouldn't be depressed or suicidal or anything. And that's, you
23 know, when I went to live with my mom.

24 Q Okay. So then you said you came out here to live with
25 your mom. And that was also with the defendant; is that right?

1 A Yes.

2 Q Okay. Tell --

3 A They came to pick me up --

4 Q They --

5 A -- actually, both of them.

6 Q They came out to Oklahoma to pick you up and bring you

7 --

8 A We were in Arizona at the time.

9 Q Arizona. Okay.

10 A But they drove from Las Vegas, both of them, to come and
11 get me.

12 Q Okay. Tell us about your mom.

13 A My mom was my best friend. I'm like the mini version of
14 her. She was very caring and -- very caring. And she was so -- she
15 was so charismatic and she was my biggest supporter, you know.
16 Sorry. That was just my best friend, like, my mom -- thank you.
17 Like, my mom was, like, that was my soulmate. You know, she -- no
18 matter, you know, she had a lot of hurt inside, but she never showed
19 it. You know, she always tried her best, you know, not to show what
20 was going on inside. You know, but me, being her daughter, I
21 always knew. You know, but she never let that, you know, put, like,
22 a toll on my brother and my life.

23 You know, we always -- every Tuesday, you know, movies
24 were five dollars. My mom and I would have a little movie date.
25 We'd go and get food. Sometimes if we were in school, we would

1 go to McDonald's and have a little breakfast together. And she
2 would drop me off at school, and she would go to work. You know,
3 my mom was really just my best friend.

4 Q We heard about you being involved in cheerleading at the
5 time of her death. Was that something that you had been involved
6 in throughout high school?

7 A Yes. I love cheerleading. I have been cheerleading since
8 middle school. My mom was very involved in that. She worked so
9 much. She would leave for work 7:00, 6:00 in the morning; wouldn't
10 get home till 9:00, 10:00 at night. But she always found a way to
11 come and be at my games with me. She would be in the stand, you
12 know, watching me cheer. You know, almost every practice, she
13 tried to be there, especially --

14 The night that she passed, she was there. She sat front
15 row. And she -- we were practicing for a routine for our first
16 assembly of the year. She sat there and she watched the whole
17 thing.

18 When, you know, the first incident happened, and we had
19 moved away and got our apartment, we didn't have much money,
20 you know. And this was the day that she passed. And I could still
21 remember -- I don't think she knew what she was saying to me, but
22 she came to my room. We didn't have any furniture. We didn't have
23 anything. And I had to pay for cheerleading because school was
24 about to start. And she told me, I don't think, you know, I'm going to
25 be able to pay for cheer this year. And I cried because that was the

1 only thing that I had left. You know, I had basically just lost
2 everything within two days, you know.

3 And she looked at me and she said, Okay. Well, I'm going
4 to make it work. She said, This is the beginning of a new life for you.
5 She didn't say for us. She said just for me. And that's what
6 happened.

7 Q And you said that was on August 5th?

8 A This was a few hours before she passed.

9 Q The ladies and gentlemen of the jury have obviously
10 heard the facts surrounding what happened the day of the 5th.

11 Where did you go after your mom was murdered?

12 A I was sent to, I think, like, a halfway house type of deal. It
13 was actually right across the street from my high school. I stayed
14 there for about a day and a half.

15 Q And then where did you go?

16 A After that one of my mom's close friends, Christina
17 Delpino -- she got me out. It was kind of difficult getting me out of
18 there because I was a minor. And, I guess, you can't have any type
19 of a record to get me out. And it was a little difficult because, you
20 know, my father and people from my family they do have records.
21 So it was a little hard getting me out.

22 And she was able get me out. And I -- that's where I was
23 for about a month until the day of my mom's funeral. And then
24 that's when I moved with Carree.

25 Q And tell us about the time that you had in San Diego.

1 A It was just really difficult for me. I struggled honestly up
2 about -- up until about, I'd say, a few months ago. I tried to kill
3 myself twice. I suffer from PTSD and anxiety. I had to go to
4 counseling every single week. I was on different medications. I
5 suffer from night terrors that I still have occasionally.

6 In the beginning, it was especially difficult because
7 sometimes I would wake up -- and there is a specific name for this --
8 for what I'm about to describe. But some mornings I would wake up
9 and I wouldn't be able to tell if I was alive still because my -- the
10 state of my mental health was so messed up, I guess you could say.
11 There was some mornings where I would look in the mirror and I
12 couldn't tell if I was alive still because I was just so confused and I
13 just didn't know what was going on anymore.

14 It was really hard for me. I just -- every single day, you
15 know, a lot of people don't really understand that depression and
16 suicidal thoughts, things of that nature -- they are physical feelings.
17 It's not just in your head. And it's very painful just waking up every
18 morning and just feeling, like, you don't want to be here anymore.
19 You know, just feeling like this place would -- it would be so much
20 better and easier for me if I was just gone.

21 You know, I still have dreams, you know, where I can see
22 him stabbing her, and I can hear it. I can hear the knife going in. I
23 can still hear her screaming. I could go days without sleeping. I --
24 and it's been, you know, it's been a long road. I'm been a year from
25 self-harm. It's been a whole year since I've hurt myself. You know,

1 I've been doing pretty good so far, so --

2 Q Well, we are glad to hear that.

3 So fair to say that the loss that you have suffered is
4 tremendous losing your mom. But it's also the effects that it had on
5 you seeing the actual murder itself. Is that a yes? Yeah.

6 Sweetie, how about Kenyatta? Tell us the effect that this
7 has had on his life.

8 A My brother seems, you know, a little more sheltered now.
9 You know, he is a boy turning into a man. He believes, you know,
10 men aren't supposed to cry. So he tries to hold in his emotions a lot.
11 And it's starting to, you know, make him angry. You know, he
12 resorts to, you know, punching stuff when he gets upset. He
13 recently just broke his hand, I think about a few months ago,
14 because he punched something because he was upset, you know.

15 And that's not like him. My brother has never been the
16 violent type. He has always been very shy and quiet, and he is just a
17 very sweet boy. You know, I remember being younger, and if I got
18 in trouble and I had to sit in time out, he would sit there with me too,
19 even though he didn't do anything. You know, and --

20 Q I'm going to show you a picture. I'm showing you State's
21 Exhibit 86. Who do we see here?

22 A That's my mom and my brother.

23 Q Okay. And about how old was he when this picture was
24 taken?

25 A I would say about 11 -- 10 or 11.

1 Q Showing you State's Exhibit 87. Who do we see here?

2 A My brother and I at Circus Circus.

3 Q Would you say that the loss of your mother has affected
4 the relationship between you and your brother?

5 A Yes.

6 Q In what way?

7 A I feel like it's affected my relationship with everybody. I
8 don't talk to my family as much anymore because I just really feel
9 like nobody understands, you know, what I went through that night.

10 You know, my little brother, he is 16 now. And, you know,
11 he is going through that teenage stage. But I still, you know, feel the
12 disconnect. You know, my brother and I have been inseparable our
13 whole lives, you know. And for a good portion of my life, you know,
14 I raised him. You know, I taught him how to spell his name and ride
15 a bike, how to swim. You know, that's -- I would wake him up for
16 school every morning. I would stay up later to make sure that he
17 had food, and he had taken a bath. And that was the role that I
18 played in his life. You know, especially when we lived with my
19 father and he was going through that tough time, you know. And
20 that was my best friend. And, you know, we don't talk as much
21 anymore, but, you know, I know he still loves me.

22 Q And finally, I'm showing you State's Exhibit 3, a picture of
23 you and your mom?

24 A Yes.

25 Q Is there anything else that you would like the jury to know

1 about how this crime has affected your life?

2 A It's changed my life forever.

3 It's hard -- you know, I'm only 19. And it's hard for me just
4 to go out in public. I get scared when people walk up to me too fast.
5 You know, I get nervous around men. I think everybody is trying to
6 hurt me. I'm scared of the dark. I can't even sleep in my room
7 without a night light, and I'm about to be 20 years old.

8 You know, I have a hard time trusting people. I feel like
9 everyone -- there is always -- like, I get scared. I feel like somebody
10 is going to try and hurt me. I can't go anywhere at nighttime. I can't
11 go to the store. I can't do anything.

12 I feel like I'm trapped, like, I'm trapped inside my own head
13 because I know, you know, in reality, like, nobody is trying to hurt
14 me. But inside my head, like, I think somebody is going to hurt me.
15 And I feel trapped. I can't -- like, I'm looking at that -- that picture of
16 me and I was so happy. And that's not me anymore.

17 MS. FLECK: Nothing further.

18 THE COURT: Any questions?

19 THE DEFENDANT: No.

20 THE COURT: Okay. All right.

21 Divina, thank you again for coming back. Okay? You can
22 go ahead and step down.

23 Does the State have any further witnesses?

24 MS. FLECK: No, Your Honor.

25 THE COURT: Pardon?

1 MS. FLECK: No.

2 THE COURT: All right. We are going to take a quick
3 recess, ladies and gentlemen, before we continue on.

4 During the recess, you are admonished not to talk or
5 converse among yourselves or with anyone else on any subject
6 connected with the trial, or read, watch, or listen to any report of or
7 commentary on the trial, by any medium of information, including,
8 without limitation, newspapers, television, Internet, radio, or form or
9 express any opinion on any subject connected with the case until it
10 is finally submitted to you.

11 We will be in recess for about 15 minutes. Thank you.

12 [Outside the presence of the jury.]

13 THE COURT: You all can be seated.

14 So, Mr. Woods, when Ms. Murray was asking earlier about
15 Allocution, as I was saying, is it your intent to want to give a
16 Statement in Allocution, as opposed to testifying?

17 Well, I'll tell you what. Before you answer that, let me go
18 through with you a little bit and explain it. And I'm sure you may
19 have had these conversations in the past.

20 But a statement in allocation is -- it's not a sworn
21 statement so nobody can ask you any questions about it.

22 It's just your opportunity to present to the jury what you
23 want them to consider as they're trying to decide upon your
24 sentence. You cannot discuss the facts or circumstances of the case
25 relating to the finding of guilt.

1 It's not, like, for instance, an opportunity to say, Hey, I'm
2 really not guilty here. It's just an opportunity to talk about any
3 expression you want to tell them about remorse; any expression that
4 you want to give to them for pleas for leniency on your behalf; any
5 expression you want to convey to them about the kind of plans you
6 would have or hopes for your future, that would be impacted by any
7 sentence.

8 It is, as I said, not an opportunity to revisit the issue of
9 whether you are guilty or not, but just your kind of opportunity to
10 present to them the things that you want them to consider about
11 what you would like to do with the rest of your life, and any pleas of
12 remorse or leniency that you want to talk to them.

13 If somebody gives a Statement in Allocution and crosses
14 over beyond the confines of what the statement can be about, then
15 potentially I could rule that, you know, you're testifying. And you
16 would be -- you know, the State would be allowed to ask you any
17 questions.

18 I mean, that's a rarity. I don't anticipate that would
19 happen, but in any way, do you understand kind of what I'm talking
20 about you are allowed to do?

21 THE DEFENDANT: Mm-hmm.

22 THE COURT: Okay. Do you have any sense right now --
23 and I'm going to let you talk to Ms. Murray. But do you have any
24 sense right now as to whether that's something you want to do?

25 THE DEFENDANT: I do.

1 THE COURT: Okay.

2 THE DEFENDANT: But I want to go over a couple things.

3 THE COURT: Okay. Were there any other witnesses that
4 you had on your behalf? Or is it just your statement?

5 THE DEFENDANT: You know, Your Honor, I did. I had my
6 whole family out here, but we got mixed up on the dates. I wasn't
7 specifically told when they should be here, when they shouldn't. But
8 they was outside when jury -- when we were selecting jury, but they
9 had paid for that whole weekend, so I was -- but they definitely was
10 here and wanted to be here, but it just kind of got mixed up. So it's
11 just going to be me.

12 THE COURT: Okay. All right.

13 THE DEFENDANT: Yeah. They had it out for me.

14 MS. MURRAY: Your Honor, there is one more thing. And
15 just so the record is clear, I did have communications with his family.
16 They were here. There were four individuals that came into town.

17 THE COURT: Okay.

18 MS. MURRAY: If the record is needed for anything on
19 that, I can verify that I spoke with each of them.

20 THE COURT: No. And look that's certainly something that
21 you can tell the jury about, that I have family members. Whether
22 your parents are still living, I don't know. Grandparents, kids, grand
23 kids, whatever. You can relay to the jury who your family is. You
24 can tell them that they were here for part of the trial, but couldn't be
25 here now. You can talk to the jury about your desire to be able to

1 continue spending time with your family, as you move forward in
2 your life, even if it is in prison.

3 That's all appropriate for a Statement in Allocution. Okay?

4 MS. MURRAY: And the final matter that Mr. Woods raised
5 to me -- and I said he needs to raise it to you -- is that there were
6 some text messages that take place between Leonard and Josie prior
7 to these incidents.

8 THE COURT: Okay.

9 MS. MURRAY: And it's my understanding that he
10 attempted to have those admitted through one of the witnesses
11 during the course of the trial, and that was not permitted or objected
12 to or something. I don't know the context.

13 THE COURT: Okay.

14 MS. MURRAY: However, he did hope to use them in a
15 presentation of mitigation. He has his reasons sort of laid out and
16 his thoughts on that. He doesn't have them physically in the
17 courtroom with him today because he didn't --

18 THE COURT: Okay.

19 MS. MURRAY: -- know that this would be the time and
20 place. They are at the jail. He would like to address you related to
21 that.

22 THE COURT: Okay. So what is it that's in the text
23 messages?

24 THE DEFENDANT: Just that there is a lot of saying about
25 this bad relationship we had when we were together, and these text

1 messages show a whole different -- that that's not true. I would like
2 them, kind of like Josie speaking, like, for herself, so to speak.

3 THE COURT: Well --

4 THE DEFENDANT: But I was heard that they was -- you
5 know, when I tried to present them, they was, like, that's hearsay.
6 You can't use them with these --

7 THE COURT: Well, there is an argument that it is hearsay,
8 and that I'm not sure about the introduction of evidence through a
9 Statement of Allocution. Because then you are not subjected to
10 cross-examination for anybody to discuss the evidence with you.

11 If it were a Statement in Allocution and a desire to offer
12 pictures of family members, things like that, that might be a little
13 different.

14 But to say I want to introduce just a few text messages
15 between Josie and I will to characterize our relationship in a certain
16 way, without the State being able to ask any questions about that,
17 separate and apart from whether it is admissible as hearsay or not --
18 I just -- I don't think that's appropriate.

19 Now, that doesn't mean you can't reference the fact that,
20 you know, in your view, your relationship was different than what
21 has been characterized; that you all had a lot of good times in your
22 relationship and these types of things; and talk about
23 communication that you had between each other.

24 But I would say that trying to introduce -- and I don't mean
25 it in a derogatory way -- but introducing a self-serving part of

1 something, without being questioned about it, is generally
2 inadmissible.

3 Do you guys have copies of the text messages as well?

4 MS. FLECK: You know, apparently Mr. Rogan has seen
5 them. I have not seen them. I'm not sure what he's referring to.

6 THE COURT: Okay. Are these pictures that were --

7 MS. MURRAY: Your Honor, I certainly sent copies of
8 everything over.

9 THE COURT: -- that were taken of Josie's phone?

10 MR. ROGAN: They are from --

11 THE DEFENDANT: They're from my phone.

12 MR. ROGAN: They are from him.

13 MS. FLECK: Oh. From the CFL?

14 THE COURT: Oh, okay. So do you guys have copy of
15 that?

16 MR. ROGAN: Yes.

17 MS. FLECK: Yes.

18 THE COURT: So just so the record is clear, let's see if we
19 can identify exactly what it is that you are speaking of, so if the State
20 has copies of it as well.

21 Was it a particular date that you were looking at?

22 THE DEFENDANT: It was -- not a lot. Because I didn't
23 want to take up too much of the Court's time. But it was, like, three,
24 three or four that was close to that -- that was pretty much.

25 THE COURT: No, no, no. But is it close in time to

1 July 17th? Or is it in back in March? Is it -- do you know what the
2 date is ? Or --

3 THE DEFENDANT: I think beginning of June. And one
4 was when I was visiting my kids. I think that was later June or two
5 months before.

6 THE COURT: Okay.

7 MS. FLECK: Here are the ones from Josie. Do you
8 remember what page they were on?

9 THE DEFENDANT: It's not --

10 MS. MURRAY: That's an exhibit.

11 THE COURT: Is it on this exhibit that you had marked?

12 THE DEFENDANT: That was one of them of them.

13 THE COURT: Okay. Exhibit C.

14 Why don't you let Mr. Woods take a look at that and see if
15 there is something on there.

16 THE DEFENDANT: Okay. I'm --

17 MS. FLECK: What page is it?

18 THE DEFENDANT: It says 17 and 19. I don't know if that's
19 June 19th --

20 MR. ROGAN: So 17 and 19?

21 MS. FLECK: 17 of 19 is what the bottom right-hand corner
22 states.

23 THE COURT: So were there some of them that were on
24 that page? Is that --

25 THE DEFENDANT: Well, one of the main ones that I

1 wanted to --

2 THE COURT: And which one is it on there? Is there a time
3 associated with it?

4 THE DEFENDANT: Yes. 6/16, 1443. What is that? Pacific
5 Daylight Time?

6 THE COURT: 6/16, 1443. Okay. Let me take a look at that.

7 MR. ROGAN: Could we just see it real quick? We have
8 different page numbers.

9 THE COURT: Okay.

10 MS. MURRAY: It's the one that starts with the U right
11 there on the paragraph.

12 MS. FLECK: So and the understanding then is that the
13 ones that are down are incoming to you? Like, that one that you in,
14 You have only been gone a couple hours and I miss you so much,
15 whatever. That is from her?

16 MS. MURRAY: Yeah.

17 THE DEFENDANT: Yeah.

18 THE COURT: Okay. Let me just take a look at that
19 proposed exhibit [indiscernible].

20 Okay. So just for the record, Proposed Exhibit C purports
21 to -- I'm guessing all the incoming text messages from the name
22 Josie; correct? You guys --

23 THE DEFENDANT: Well, Josie's arrow comes toward --

24 MS. MURRAY: There was a whole section. They were
25 printed off in batches as to what number originated the

1 conversation.

2 THE COURT: Oh, got it.

3 MS. MURRAY: And then the arrow tells whether it is
4 incoming or outgoing.

5 THE COURT: Okay. So if it's an up arrow that means
6 outgoing?

7 THE DEFENDANT: Up arrow means coming to her.

8 THE COURT: Coming to her.

9 THE DEFENDANT: Away from the message means
10 coming to me.

11 THE COURT: Okay. And so you wanted to get in on 6/16,
12 14 -- which one?

13 THE DEFENDANT: I believe that said 43.

14 MS. MURRAY: It begins with the letter U. And it is a
15 paragraph appearance.

16 THE COURT: Oh, okay. 6/16/2015, 1443 and 12. A text
17 message from Josie that says, You have only been gone for a couple
18 hours. Miss you so much. Can't stop thinking about you. You are
19 my life and I am happy for you. But can't wait for you to come.
20 Correct?

21 THE DEFENDANT: Yes.

22 THE COURT: And the way the arrow is depicting, that
23 would appear to be from Ms. Jones to yourself?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay.

1 All right. State.

2 MS. FLECK: You know, we won't object to it, Judge.

3 THE COURT: Well, yeah. Because what I was going to
4 back on -- you raised, Mr. Woods, the issue of hearsay. But hearsay
5 is admissible is in a penalty phase. So it's really just kind of
6 authenticating things, which is why it's difficult to do in Allocution
7 without testimony. But I'll go ahead and admit that.

8 Are you wanting everything on this page? Or just that one
9 text message?

10 THE DEFENDANT: No. I was going to refer to the
11 situation and then read the statement. Because, like, I'm scared to
12 fly. And she's like --

13 THE COURT: All right. Well, what I can do then is I'll tell
14 the jury, and I'll take judicial notice up there, and I'll read the text
15 message to them. And then you can refer to it however you want in
16 your Statement in Allocution, okay? So that you are not introducing
17 all of the other aspects that are on the page. Is that okay?

18 MS. MURRAY: Yes.

19 THE COURT: Okay.

20 THE DEFENDANT: One other thing in the Allocution, just
21 to state like the leniency and what I feel about the situation? Or do I
22 get to talk about, like, myself, upbringing, parents? That sort of
23 thing.

24 THE COURT: Yeah. You can tell them when you were
25 born, where you grew up, what the state of your family is, where you

1 went to school, didn't go to school. You can talk to them about the
2 kind of work you have done. Just introduce yourself kind of
3 biographically.

4 And then obviously focus on any remorse you feel for
5 what occurred, any pleas for leniency, and what your plans are for
6 the future. Okay?

7 It is just -- mainly the thing that I need to impart is it's not
8 an opportunity to kind of go into testimony to try and get them to
9 say I want you to give me a lesser sentence because maybe you
10 have doubt about whether I am guilty.

11 THE DEFENDANT: Oh, no.

12 THE COURT: That's -- the decision they've made on that is
13 already done. So that's why it is kind of limited to these other
14 things. Okay?

15 MS. FLECK: What's our time? Are we going to do this
16 now?

17 THE COURT: We are going to do this now. And then we
18 will break for the day and start tomorrow at 9 o'clock with reading
19 instructions and arguments.

20 MS. FLECK: Okay. Can I just go say goodbye to everyone
21 then?

22 THE COURT: Yes.

23 [Pause in the proceedings.]

24 THE COURT: Ready?

25 MS. FLECK: Yeah.

1 THE COURT: Okay.

2 MS. FLECK: Thank you.

3 THE COURT: You can go ahead, JR. I thought I heard him
4 back there.

5 [In the presence of the jury.]

6 THE COURT: All right. You all can be seated. Thank you.

7 All right. We are going to go back on the record.

8 Mr. Woods is here; Ms. Murray is present with him; State's
9 attorneys; jurors are present.

10 The State rested their case in chief, ladies and gentlemen.

11 And one of the things I wanted to you tell you, as part of
12 the defense case, I'm going to take judicial notice which means this
13 is a fact that you can accept as proven.

14 And that is that on June 16th, 2015, at 2:43 in the
15 afternoon Pacific Time, Ms. Jones sent a text message to Mr. Woods
16 -- to Mr. Woods' phone. And that text message read -- and
17 whenever I refer to the word, you, it's just a U -- the letter U.

18 You have only been gone for a couple of hours. Miss you
19 so much. Can't stop thinking about you. You are my life and I am
20 happy for you, but can't wait for you to come.

21 Okay. Then Mr. Woods has chosen to do what we refer to
22 as a Statement in Allocution, so that is an unsworn statement to the
23 jury. It is not subjected to questioning . But it's an opportunity for
24 Mr. Woods to introduce himself to you. Tell you a little bit about
25 himself, as well as discuss with you things like pleas for leniency,

1 plans or hopes that he has for the future, that he would like you all to
2 consider as you go about deciding the appropriate punishment.

3 Mr. Woods.

4 **STATEMENT IN ALLOCUTION**

5 THE DEFENDANT: I brought a cup of water so I can
6 actually get through it this time.

7 I just wanted you guys to know that they said I could ask
8 for leniency and things like that, but I didn't want to talk about that. I
9 just -- you heard so much horrible stuff this whole week, that I really
10 just wanted to -- a picture like who I am, who I was, who I'm going to
11 be, or probably who I never get to be again.

12 You know, I was born and raised in San Diego. And when
13 people think of San Diego, they think of the zoo and Sea World and
14 the beach. But I was born and raised in a part called Southeast San
15 Diego, and that's the ghetto part, where, you know, crackheaders --
16 they tore up my mother. I mean, and rats and roaches, lights off,
17 and all that.

18 But I told myself you make it out of here, you not going to
19 live with these rats and roaches no more, and your kids are damn
20 sure not going to go through what you went through.

21 And to this day, I got five kids. I got four girls and a boy.
22 And even though I don't work the normal and average jobs that a lot
23 of men do, I work and I make money and I'm going to leave that
24 right there. But what I pride myself in most, I don't owe child
25 support.

1 I made sure that all my babies was -- and I'm not saying
2 that if a lady has to go on food stamps or EBT cards, things like that,
3 it's a bad thing. It's just that's what you need. But I couldn't see that
4 for my kids.

5 My -- when I went to school, I went to -- it was a school in
6 our neighborhood called Logan Elementary. It is right in the heart of
7 our hood. And that's where everyone pretty much went. But I was
8 in, back then, they called gifted classes. And then I went to
9 [indiscernible] and that was something else, when the kids are a little
10 smarter than the other kids.

11 And the teacher pulled my mom aside, and she was like he
12 is too smart for the school. He needs to go to what we back then
13 called the white school. And that's when buses was pretty much
14 starting out. This was, like, I'm going to say '76, '77, so I started
15 going. It is a place in San Diego called La Jolla.

16 La Jolla is like -- if you guys don't know -- it's pretty much
17 like Beverly Hills is to Los Angeles. It's our you know, crème de la
18 crème of San Diego. And things started kind of changing. I was
19 seeing a different side of life, dating different type of women. But
20 one thing that stuck out to me about La Jolla Junior High and High
21 School was the kids where I came from were a rough bunch. I was a
22 part of that rough bunch. I even tried my hand in gang-banging to
23 be truthful. But, you now, that wasn't -- that didn't last too long. I
24 wasn't really with that.

25 But the thing I was referring to that stuck out in the junior

1 high and high school was when report cards came out. I used to
2 actually hide mine because I didn't want my friends -- sorry. I didn't
3 want my friends to think that I was any -- I was any better than them.

4 And my aunt's husband, well, her -- the father of her son --
5 he took me to aside, and he was, like, you were born here, but you
6 wasn't made that like the rest of these cats. This gang-banging life
7 and stuff, that's not for you. You could tell by the way you do in
8 school.

9 And I -- instead of taking that and really became --
10 becoming something in this world, I pride myself in being a great
11 dad -- but I actually feel like I could have been something more.

12 When people said that -- my name, you would have
13 automatically knew it, like Michael Jordan, or the guy that created
14 Facebook, or, you know, a significant name out there. But I kind of
15 used what I knew I had when I was in situations, or I felt I could be
16 down with the ghetto people and be okay; and be up with the rich
17 people and I could fit. I was like a chameleon. I could put myself in
18 all different clubs, and I was cool with that. It wasn't like I was trying
19 to be a millionaire or nothing like that. Just to be happy and out of
20 the ghetto.

21 So speed things along, and I was living in Salt Lake City in
22 2000 when the planes flew in -- and I guess that was 2001, that
23 summer. And I met my daughters' -- my last couple daughter's
24 mother. So it was interesting to meet a Jamaican in Salt Lake City,
25 when Salt Lake City is, like, 85 percent white.

1 But when I was out there, I met this guy. I was working at
2 WalMart 2004. And me and him -- his name is Joe also -- we
3 decided to put together a plan. We were going to be --before
4 dispensaries came out, we were going to be our first, Salt Lake City's
5 first marijuana dispensary guys.

6 THE COURT: So, Mr. Woods, I hate to interrupt you. But
7 because it's an unsworn statement, it can't, you know, go off beyond
8 just giving me them a short biographical background of who you
9 are. And talk about the very specific things that we were just
10 discussing, you know, a moment ago before we started, about pleas
11 for leniency, hopes and plans for the future. Okay?

12 THE DEFENDANT: Okay. Can I just tell them how I met --
13 real quick how I met Josie?

14 THE COURT: Yes.

15 THE DEFENDANT: Okay. In 2006, my brother called me in
16 Salt Lake City and he said something is really wrong. I already knew
17 he was suffering from liver problems and kidney problems. So I
18 was, like, well, you know, how bad is it? He said, Bro, I think it's kind
19 of bad. So I moved back in November to be with him, to see what
20 was going on. And it was worse than I thought. He only had, like, a
21 few more months to go. So in March of 2007, he passed away. And
22 I was, you know, my brother's like --I only got one brother, one
23 sister. Those were my best friends.

24 And I was thinking, Well, damn. He always told me to stay
25 in school and do something with myself. So I decided, since I had

1 the medical marijuana thing, I would go and try to figure out all
2 aspects of it. So I decided to go to Pima Medical Institute for the
3 billing part of -- to learn how to do the ins and outs.

4 So while I'm going to school one day, Josie comes along
5 and she was dropping off her husband's niece. The niece's name
6 was Celestine. I'll never forget that because I never heard a name
7 like that before in my life, and something just clicked. She -- we
8 started talking. And she told me she was married, but she was, like,
9 he's in jail. He's not getting out until August or September,
10 something like that.

11 And we started dating. And we dated all the way through
12 her husband getting out. So true to her words, when he got out, she
13 went back to her husband. I moved out here. That was the end of
14 2007.

15 I went back and forth to San Diego whenever I would visit
16 my family. And I would call Josie, and she would meet me, have our
17 tryst, and it went on like that until about 2010.

18 In 2010, she moved out here for the first time, moved out
19 here with me. And she said, you know, as much as we are there for
20 each other, I just want to be out here to get on my feet, because
21 Tony, the kids' father, has the kids now. However, that came about I
22 didn't about that at first.

23 And she wanted to get on her feet, and so, you know,
24 yeah. I'll help you with that.

25 So we off and on. We off and on from 2010 to 2012. I

1 would go to San Diego; she'd come out here. Or she'd go to San
2 Diego; I'd go out there. But it was never like a permanent thing it
3 was always -- it was always a back and forth kind of deal.

4 But, I mean, we loved each other to death. There was
5 nothing I wouldn't do for her, and I'm sure there wasn't nothing that
6 she wouldn't do for me. It was even a point in 2012 when we both --
7 I had went to jail for a violation and I had to stay like nine months.
8 When I got out and looked for Josie, she had told me she wasn't
9 doing too good. So we were both homeless together.

10 Now, all the good times we had -- being homeless
11 together, it makes two people -- I don't even know how to describe it.
12 It forms a bond that you could never -- you could never -- it's
13 indescribable. You can never break or shake. That was my partner.
14 It was more than a relationship. She was like my best friend, my
15 little sister, my lover.

16 But even Divina referred to it once, they were in a
17 relationship, but they acted like they weren't and that describes it to
18 a T.

19 Now, that message -- that text message that he read to
20 you guys -- that was after she moved out. I was still living -- well,
21 that was after she moved out. And I was flying to see my daughters
22 because I'm scared of airplanes. Oh, my God. I'm scared of
23 airplanes. Like, but I called Josie. I'm, like, Hey, man, this is -- what
24 it was, it rained in Texas. I stopped to see my son in Texas on the
25 way. It was a layover --

1 THE COURT: So, Mr. Woods, I apologize again. But I have
2 an obligation to direct you to specifically --

3 THE DEFENDANT: All right.

4 THE COURT: -- what it is, which is remorse, pleas for
5 leniency, and hopes for the future.

6 THE DEFENDANT: Okay. I'll cut it. I just wanted to
7 know -- let you know a little bit about myself and Josie's
8 relationship. To end it with, I feel horrible about this whole
9 situation -- the loss of Josie's life, Divina losing her mother, and my
10 connection to any of this.

11 And while I maintain my innocence, I deeply respect your
12 decision. As I told you all before, I was more than comfortable with
13 the decisionmakers that was picked for this jury.

14 God knows I wish that night never happened. And if I
15 could do anything now, then I would have. So while I know I'm
16 fixing to go up there and do this time, I also wanted you to know that
17 I have a huge family, a big family. A lot of them was here, but they
18 got the days mixed up. Actually they came the days I was selected --
19 we were selecting you guys, but they thought they were coming to
20 my trial. They didn't know they couldn't come in because we were
21 selecting jury at the time. So they missed out.

22 But all through this proceedings, they popped up. They
23 was coming. And they was coming from Texas and San Diego and
24 all that.

25 And I just want, like I said earlier, I know Josie -- and

1 Divina lost her mom, so how can I really sit here and ask for what
2 she doesn't have anymore? But I still have two, my youngest 14 and
3 16, maintain a relationship. I don't know how they live in New
4 Jersey. I don't know how they going to come out here, but I would
5 like to still maintain a relationship with my family.

6 I don't know what is going to happen out there or with the
7 rest of my life. But I would love to see it end somewhere down the
8 line, where I could hold them and hug them again and -- and
9 continue to, like I was doing out there, make their lives just that
10 much more better.

11 So I do ask leniency from you all. I can't put it into words
12 enough. And if it's in your heart to do so, I pray to God that you do.

13 But whatever decision you do make, like I said before, it's
14 a decision all of us have to live with.

15 Thank you.

16 THE COURT: All right. Thank you. And do you rest your
17 case now?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. So, ladies and gentlemen, we are
20 going to break for the evening.

21 That concludes the presentation of witnesses and
22 evidence for purposes of our penalty phase.

23 I cleared out my calendar tomorrow, so we are actually
24 going to start at 9 o'clock tomorrow. I have some instructions to
25 read to you for the penalty phase and then we'll have closing

1 arguments and have you deliberate on your decision regarding
2 punishment. Okay?

3 So with that we are going to break for the evening.

4 During the recess, you are admonished not to talk or
5 converse among yourselves or with anyone else on any subject
6 connected to the trial, or read, watch, or listen to any report of or
7 commentary on the trial by any medium of information, including,
8 without limitation, newspapers, television, Internet, radio, or form or
9 express any opinion on any subject connected with the case until it
10 is finally submitted to you. No legal or factual research or
11 investigation on your own.

12 Thank you very much for your time today. And I will see
13 you tomorrow morning. Thanks.

14 [Outside the presence of the jury.]

15 THE COURT: Do you guys have anything outside the
16 presence?

17 MS. FLECK: Nothing, Your Honor. Thank you.

18 THE COURT: Mr. Woods, anything?

19 THE DEFENDANT: No.

20 THE COURT: Okay. All right. I'll see you all early in the
21 morning. Thank you.

22 [Recess taken from 4:50 p.m., until 4:51 p.m.]

23 MS. MURRAY: -- and it's his understanding that he is
24 likely going to be housed in the hole tonight for his own safety.

25 THE COURT: Okay.

1 MS. MURRAY: And when that happens, he is not
2 permitted access to his materials to be able to prepare for his closing
3 for tomorrow.

4 I don't know if there was something that perhaps needs to
5 get addressed on that front --

6 MALE SPEAKER: He'll have all his stuff.

7 THE COURT: Okay. Just please make sure that he has
8 everything available to him. I mean, once we get done with our trial
9 tomorrow, then whatever you all need to do from a safety
10 standpoint, I get. But even if that's where he gets housed tonight,
11 just make sure that he has access to his belongings.

12 MS. MURRAY: Thank you. I just didn't want to come in
13 tomorrow morning and have to deal with the fact that he wasn't able
14 to finish preparing.

15 THE COURT: Understood.

16 MS. MURRAY: I appreciate it.

17 THE DEFENDANT: I appreciate that, Your Honor.

18 THE COURT: Thank you guys.

19 MS. MURRAY: Thank you.

20 [Proceedings adjourned at 4:52 p.m.]

21 * * * * *

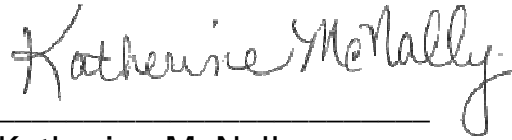
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1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video proceedings in the above-entitled case to
3 the best of my ability.

4 

5 Katherine McNally
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LEONARD RAY WOODS,) No. 78816
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Appellant,)
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v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13 day of February, 2010. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/ Rachel Howard
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